

53B-1-101. Purpose of title.

It is the purpose of this title:

- (1) to provide a high quality, efficient, and economical public system of higher education through centralized direction and master planning which:
 - (a) avoids unnecessary duplication;
 - (b) provides for the systematic and orderly development of facilities and quality programs;
 - (c) provides for coordination and consolidation; and
 - (d) provides for systematic development of the role or roles of each institution within the system of higher education consistent with the historical heritage and tradition of each institution;
- (2) to vest in the State Board of Regents the power to govern the state system of higher education consistent with state law and delegate certain powers to institutional boards of trustees and institutional presidents, and to vest certain powers in institutional boards of trustees and institutional presidents.

Amended by Chapter 58, 1991 General Session

53B-1-101.5. Definitions.

As used in this title:

- (1) "Board" means the State Board of Regents established in Section 53B-1-103.
- (2) "Career and technical education" means organized educational programs offering sequences of courses or skill sets directly related to preparing individuals for paid or unpaid employment in current or emerging occupations that generally do not require a baccalaureate or advanced degree.
- (3) "Commissioner" means the commissioner of higher education appointed in accordance with Section 53B-1-105.

Amended by Chapter 346, 2009 General Session

53B-1-101.8. Health insurance mandates.

An institution of higher education shall include in a health plan it offers to its employees insurance mandates in accordance with Section 31A-22-605.5

Enacted by Chapter 127, 2012 General Session

53B-1-102. State system of higher education.

- (1) The state system of higher education consists of the following institutions:
 - (a) State Board of Regents;
 - (b) the University of Utah;
 - (c) Utah State University;
 - (d) Weber State University;
 - (e) Southern Utah University;
 - (f) Snow College;
 - (g) Dixie State University;

(h) Utah Valley University;
(i) Salt Lake Community College;
(j) the Utah College of Applied Technology; and
(k) other public post-high school educational institutions as the Legislature may designate.

(2) A change in the name of an institution within the system of higher education shall not be considered a change in the role or mission of the institution, unless otherwise authorized by the State Board of Regents.

(3) It is not the intent of the Legislature to increase the number of research universities in the state beyond the University of Utah and Utah State University.

(4) These institutions are empowered to sue and be sued and to contract and be contracted with.

Amended by Chapter 10, 2013 General Session

53B-1-103. Establishment of State Board of Regents -- Powers and authority.

(1) There is established a State Board of Regents.

(2) (a) Except as provided in Subsection (2)(b), the board is vested with the control, management, and supervision of the institutions of higher education designated in Section 53B-1-102 in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.

(b) The board may only exercise powers relating to the Utah College of Applied Technology and its college campuses that are specifically provided in this title.

(c) The board shall coordinate and support articulation agreements between the Utah College of Applied Technology and other institutions of higher education.

(d) The board shall prepare and submit an annual report detailing its progress and recommendations on career and technical education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:

(i) how the career and technical education needs of secondary students are being met by institutions of higher education other than the Utah College of Applied Technology, including what access secondary students have to programs offered by Salt Lake Community College's School of Applied Technology, Snow College, and Utah State University Eastern;

(ii) how the emphasis on high demand, high wage, and high skill jobs in business and industry is being provided;

(iii) performance outcomes, including:

(A) entered employment;

(B) job retention; and

(C) earnings; and

(iv) student tuition and fees.

(e) Except for the Utah College of Applied Technology, the board may modify the name of an institution under its control and management, as designated in Section 53B-1-102, to reflect the role and general course of study of the institution.

(f) The board may not conduct a feasibility study or perform another act relating

to merging any of the following institutions with another institution of higher education:

- (i) the Bridgerland Applied Technology College Campus;
- (ii) the Ogden-Weber Applied Technology College Campus;
- (iii) the Davis Applied Technology College Campus;
- (iv) the Tooele Applied Technology College Campus;
- (v) the Mountainland Applied Technology College Campus;
- (vi) the Uintah Basin Applied Technology College Campus;
- (vii) the Southwest Applied Technology College Campus; and
- (viii) the Dixie Applied Technology College Campus.

(3) This section does not affect the power and authority vested in the State Board of Education to apply for, accept, and manage federal appropriations for the establishment and maintenance of career and technical education.

(4) The board shall conduct a study regarding the feasibility of providing a veterans' walk-in center or services at each state institution of higher education. The study shall include:

- (a) an implementation plan for providing a walk-in center or services at each institution of higher education;
- (b) criteria, based upon the size of the institution, to determine whether the institution should be required to provide a walk-in center or services;
- (c) responsibilities of the walk-in center or services;
- (d) a notification process about the walk-in center or services to veterans upon their application for admission;
- (e) the possibility of staffing a veterans walk-in center or services with veterans, including through work-study positions to be filled by veterans;
- (f) annual reports from each walk-in center and services to the board which includes summary information of veterans served; and
- (g) funding requirements for a veterans walk-in center and services.

(5) Presentation of the study, including the implementation plan with funding and other recommendations, shall be made to a legislative committee, commission, or task force upon request no later than the October 2014 interim meeting.

Amended by Chapter 88, 2014 General Session

53B-1-104. Membership of the board -- Student appointee -- Terms -- Oath -- Officers -- Committees -- Bylaws -- Meetings -- Quorum -- Vacancies -- Compensation.

(1) (a) The board shall consist of 19 residents of the state.

(b) (i) Fifteen members shall be appointed by the governor with the consent of the Senate.

(ii) (A) One additional member shall be appointed by the governor from nominations of the student body presidents council.

(B) The student body presidents council shall nominate three qualified, matriculated students enrolled in the state institutions of higher education.

(C) Student body presidents are not eligible for nomination.

(iii) All appointments to the board shall be made on a nonpartisan basis.

(iv) In making appointments to the board, the governor shall select:

(A) at least two individuals who reside within a county of the fourth, fifth, or sixth class;

(B) no more than six individuals who reside within a county of the first class;

(C) the remaining individuals from the state at large with due consideration for geographical representation and diversity of exposure to the various institutions in the Utah System of Higher Education; and

(D) at least three individuals with personal experience in career and technical education, which could include service on a campus board of directors.

(c) (i) In addition to the members designated under Subsection (1)(b), two members of the State Board of Education, appointed by the chair of the State Board of Education, shall serve as nonvoting members of the board.

(ii) A nonvoting State Board of Education member shall continue to serve as a member without a set term until the member is replaced by the chair of the State Board of Education.

(d) (i) In addition to the members designated under Subsection (1)(b), one member of the Utah College of Applied Technology Board of Trustees, appointed by the chair of the Utah College of Applied Technology Board of Trustees, shall serve as a nonvoting member of the board.

(ii) A nonvoting Utah College of Applied Technology Board of Trustees member shall continue to serve as a member without a set term until the member is replaced by the chair of the Utah College of Applied Technology Board of Trustees.

(2) (a) Five members of the board, other than the student member, the State Board of Education members, and the Utah College of Applied Technology Board of Trustees member, shall be appointed during each odd-numbered year to six-year staggered terms which commence on July 1 of the year of appointment.

(b) (i) The student member shall be appointed for a one-year term and may be reappointed for one additional term.

(ii) The student member has full voting rights and may vote on selection of a board chair or vice chair, but not serve in either office.

(c) Board members shall hold office until their successors have been appointed and qualified.

(3) (a) Each member of the board shall take the official oath of office before entering upon the duties of office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(4) The board shall elect a chair and vice chair from its members who shall serve terms of two years and until their successors are chosen and qualified.

(5) (a) The board shall appoint a secretary from the staff of its chief executive to serve at its discretion.

(b) The secretary shall be a full-time employee who receives a salary set by the board.

(c) The secretary shall record and maintain a record of all board meetings and perform other duties as the board directs.

(6) The board shall appoint a treasurer who serves at the discretion of the board.

(7) (a) The board may establish advisory committees.

(b) The powers and authority of the board are nondelegable, except as

specifically provided for in this title.

(c) All matters requiring board determination shall be addressed in a properly convened meeting of the board or its executive committee.

(8) The board shall enact bylaws for its own government not inconsistent with the constitution or the laws of this state.

(9) (a) The board shall meet regularly upon its own determination.

(b) The board may also meet, in full or executive session, at the request of its chair, its executive officer, or five members of the board.

(10) A quorum of the voting members of the board is required to conduct its business and consists of nine members.

(11) (a) A vacancy in the board occurring before the expiration of a voting member's full term shall be immediately filled by appointment by the governor with the consent of the Senate.

(b) The appointee serves for the remainder of the unexpired term.

(12) A board member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 5, 2011 Special Session 3

**53B-1-105. Appointment of commissioner of higher education --
Qualifications -- Duties.**

(1) (a) The board, upon approval from the governor and with the consent of the Senate for each appointee nominated on or after May 8, 2012, shall appoint a commissioner of higher education to serve at its pleasure as its chief executive officer.

(b) The commissioner may be terminated by:

(i) the board; or

(ii) the governor, after consultation with the board.

(c) The board shall:

(i) set the salary of the commissioner;

(ii) prescribe the duties and functions of the commissioner; and

(iii) select a commissioner on the basis of outstanding professional qualifications.

(2) The commissioner is responsible to the board to:

(a) ensure that the policies and programs of the board are properly executed;

(b) furnish information about the state system of higher education and make recommendations regarding that information to the board;

(c) provide state-level leadership in any activity affecting an institution in the state system of higher education; and

(d) perform other duties assigned by the board in carrying out its duties and responsibilities.

Amended by Chapter 78, 2012 General Session

53B-1-106. Appointment and hiring of staff -- Transfer of functions, personnel, and funds.

Upon the commissioner's recommendation, the board appoints and hires a staff of professional and administrative personnel to serve at its pleasure. Salaries, retirement provisions, other benefits, and capacities of service are determined by the board. If the board transfers a staff function from an institution's own staff, the funds budgeted by the institution for the transferred functions are transferred to the board. Transferred personnel retain their retirement and other benefits and seniority of term standing with the institution from which they are transferred.

Enacted by Chapter 167, 1987 General Session

53B-1-107. Annual report of board activities.

The board shall submit an annual report of its activities to the governor and to the Legislature and shall provide copies to all institutions in the state system of higher education.

Enacted by Chapter 167, 1987 General Session

53B-1-108. Board succeeds to rights and duties of predecessor board and council.

The board is the successor to and is vested with all rights, duties, obligations, and liabilities to which its predecessor governing boards and the Coordinating Council of Higher Education were subject, except as otherwise provided by law.

Enacted by Chapter 167, 1987 General Session

53B-1-109. Coordination of higher education and public education information technology systems -- Use of unique student identifier -- Coordination of concurrent enrollment advising.

(1) As used in this section, "unique student identifier" has the same meaning as provided in Section 53A-1-603.5.

(2) The State Board of Regents and State Board of Education shall coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53A-1-603.5.

(3) Information technology systems utilized at an institution within the state system of higher education shall utilize the unique student identifier of all students who have previously been assigned a unique student identifier.

(4) (a) The State Board of Regents and the State Board of Education shall coordinate advising to a prospective or current high school student who participates in the concurrent enrollment program established in 53A-15-101.

(b) Advising shall include information on general education requirements at higher education institutions and how the student can efficiently choose concurrent enrollment courses to avoid duplication or excess credit hours.

(5) (a) Eight weeks after the end of each semester, the State Board of Regents

shall make available, to a requesting higher education institution in the state system of higher education that participates in concurrent enrollment, a report listing each public high school student who was enrolled in a concurrent enrollment course and admitted to the requesting higher education institution, including:

- (i) the student's name and unique student identifier;
 - (ii) the student's:
 - (A) school district and school; or
 - (B) charter school;
 - (iii) the course name of each concurrent enrollment course taken by the student;
 - (iv) the higher education institution where the student enrolled to take each concurrent enrollment course; and
 - (v) (A) all the credits the student earned in each concurrent enrollment course; and
 - (B) a designation that indicates which credits listed in Subsection (5)(a)(v) the student earned at a grade "C" or higher.
- (b) The board shall report the information described in Subsection (5)(a) for every concurrent enrollment course taken by a student in any year.

Amended by Chapter 301, 2011 General Session

53B-1-110. Criminal background checks of prospective and existing employees of higher education institutions -- Board to adopt policy.

- (1) As used in this section:
 - (a) "Institution" means an institution listed in Section 53B-1-102.
 - (b) "Minor" means a person younger than 21 years of age.
- (2) The board shall adopt a policy providing for criminal background checks of:
 - (a) prospective employees of institutions; and
 - (b) existing employees of institutions, where reasonable cause exists.
- (3) (a) The policy shall require that:
 - (i) an applicant for any position that involves significant contact with minors or any position considered to be security sensitive by the board or its designee shall submit to a criminal background check as a condition of employment; and
 - (ii) an existing employee submit to a criminal background check, where reasonable cause exists.
- (b) Subsection (3)(a)(i) does not apply to adjunct faculty positions.
- (c) The policy may allow or require applicants for positions other than those described in Subsection (3)(a)(i) to submit to a criminal background check as a condition of employment.
- (d) The policy may allow criminal background checks for new employees to be phased in over a two-year period.
- (4) The applicant or employee shall receive written notice that the background check has been requested.
- (5) Each applicant or employee subject to a criminal background check under this section shall, if required by the institution:
 - (a) be fingerprinted; and
 - (b) consent to a fingerprint background check by:

- (i) the Utah Bureau of Criminal Identification; and
 - (ii) the Federal Bureau of Investigation.
- (6) (a) Institutions may request the Utah Bureau of Criminal Identification to conduct criminal background checks of prospective employees and, where reasonable cause exists, existing employees pursuant to board policy.
- (b) At the request of an institution, the Utah Bureau of Criminal Identification shall:
- (i) release the individual's full record of criminal convictions to the administrator requesting the information; and
 - (ii) seek additional information from regional or national criminal data files in responding to inquiries under this section.
- (c) Information received by the Utah Bureau of Criminal Identification from entities other than agencies or political subdivisions of the state may not be released to a private entity unless the release is permissible under applicable laws or regulations of the entity providing the information.
- (d) Except as provided in Subsection (7), the institution shall pay the cost of background checks conducted by the Utah Bureau of Criminal Identification, and the money collected shall be credited to the Utah Bureau of Criminal Identification to offset its expenses.
- (7) The board may by policy require an applicant to pay the costs of a criminal background check as a condition of employment.
- (8) The applicant or employee shall have an opportunity to respond to any information received as a result of the criminal background check.
- (9) If a person is denied employment or is dismissed from employment because of information obtained through a criminal background check, the person shall receive written notice of the reasons for denial or dismissal and have an opportunity to respond to the reasons under procedures established by the board in policy.

Enacted by Chapter 248, 2007 General Session

53B-1-201. Definitions.

As used in this part:

- (1) "Conditional gift" means a gift as defined in Subsection (4) that is subject to conditions:
- (a) imposed, requested, or provided by a foreign government or foreign person; and
 - (b) that relate to:
 - (i) what kinds of teachers or students may benefit from the gift; or
 - (ii) a description of the subject matter to be taught with the support of the gift.
- (2) "Foreign government" means a government other than the government of:
- (a) the United States;
 - (b) a state within the United States;
 - (c) a territory or possession of the United States; or
 - (d) a political subdivision of the United States.
- (3) "Foreign person" means:
- (a) a foreign government defined in Subsection (2);

(b) an individual who is not a citizen or national of the United States or of a territory or protectorate of the United States;

(c) a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized under the laws of a foreign government or that has its principal place of business located outside the United States;

(d) if known by the higher education institution, a corporation, partnership, joint venture, proprietorship, trust, association, or other entity that is created or organized pursuant to the laws of the United States or a state within the United States, if a majority of the stock or other equity interest is directly or indirectly owned by, or which derives a majority of its funding from:

(i) a foreign government;

(ii) an individual described in Subsection (3)(b); or

(iii) an entity described in Subsection (3)(c) or (d); or

(e) if known by the higher education institution, a committee or other group in which a majority of the membership is composed of:

(i) a foreign government;

(ii) an individual described in Subsection (3)(b); or

(iii) an entity described in Subsection (3)(c) or (d).

(4) "Gift" means an endowment, scholarship, gift, donation, or grant of money or property of any kind.

(5) "Higher education institution" means an institution in the state system of higher education as defined in Section 53B-1-102.

Enacted by Chapter 243, 2010 General Session

53B-1-202. Disclosure of foreign gifts to higher education institutions.

(1) (a) Except as provided in Subsection (1)(c), on or before July 31 of each year, a higher education institution shall disclose to the board, by filing a disclosure report described in Subsection (2), a gift received by the higher education institution of \$50,000 or more from a foreign person, considered alone or in combination with all other gifts from the foreign person, during the period beginning July 1 and ending on June 30 immediately preceding the July 31 deadline.

(b) A higher education institution may rely on the following address of a foreign person to determine the citizenship or nationality of the foreign person if the citizenship or nationality is unknown:

(i) for a foreign person that is an individual, the principal residence; and

(ii) for a foreign person that is not an individual, the principal place of business.

(c) The \$50,000 amount described in Subsection (1)(a) is increased to \$250,000 if the gift, considered alone or in combination with all other gifts, described in Subsection (1)(a) is from a foreign person:

(i) with a principal residence or principal place of business located in the United States; and

(ii) with a permanent resident status:

(A) under Section 245 of the Immigration and Nationality Act; and

(B) for 10 years or more.

(2) A disclosure report regarding all gifts described in Subsection (1) shall

include:

- (a) the amount of each gift described in Subsection (1);
 - (b) the date on which each gift described in Subsection (1) was received by the higher education institution;
 - (c) the name of the foreign person making each gift described in Subsection (1);
 - (d) the aggregate amount of all gifts described in Subsection (1) from a foreign person during the prior fiscal year of the higher education institution;
 - (e) for a conditional gift, a description of the conditions or restrictions related to the conditional gift;
 - (f) for a conditional gift:
 - (i) for a foreign person that is an individual, if known, the country of citizenship or principal residence of the individual; or
 - (ii) for a foreign person that is not an individual, if known, the country of incorporation or place of business of the foreign person; and
 - (g) for a conditional gift that is a contract entered into between a higher education institution and a foreign person:
 - (i) the amount;
 - (ii) the date;
 - (iii) a description of all conditions or restrictions; and
 - (iv) the name of the foreign person.
- (3) A disclosure report required by this section is a public record open to inspection and review during the higher education institution's business hours.
- (4) At the request of the board, the attorney general may file a civil action to compel a higher education institution to comply with the requirements of this section.
- (5) On or before the November interim meeting of each year, the board shall report to the Education Interim Committee and provide a summary of all gifts described in Subsection (1) received by higher education institutions during the prior fiscal year.
- (6) The board shall make rules for the administration of this section in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Enacted by Chapter 243, 2010 General Session

53B-2-101. Institutions of higher education -- Corporate bodies -- Powers.

(1) The following institutions of higher education are bodies politic and corporate with perpetual succession and with all rights, immunities, and franchises necessary to function as such:

- (a) the University of Utah;
- (b) Utah State University;
- (c) Weber State University;
- (d) Southern Utah University;
- (e) Snow College;
- (f) Dixie State University;
- (g) Utah Valley University;
- (h) Salt Lake Community College; and
- (i) the Utah College of Applied Technology.

(2) (a) Each institution may have and use a corporate seal and may, subject to

Section 53B-20-103, take, hold, lease, sell, and convey real and personal property as the interest of the institution requires.

(b) Each institution is vested with all the property, franchises, and endowments of, and is subject to, all the contracts, obligations, and liabilities of its respective predecessor.

(c) (i) Each institution may enter into business relationships or dealings with private seed or venture capital entities or partnerships consistent with Utah Constitution Article VI, Section 29, Subsection (2).

(ii) A business dealing or relationship entered into under Subsection (2)(c)(i) does not preclude the private entity or partnership from participating in or receiving benefits from a venture capital program authorized or sanctioned by the laws of this state, unless otherwise precluded by the specific law that authorizes or sanctions the program.

(iii) Subsections (2)(c)(i) and (ii) also apply to the Utah College of Applied Technology created in Title 53B, Chapter 2a, Utah College of Applied Technology.

Amended by Chapter 10, 2013 General Session

53B-2-102. Board to appoint president for each institution.

The board, after consulting with the institution's board of trustees, appoints a president for each institution in the state system of higher education who serves at its pleasure and at such salary as it may determine.

Amended by Chapter 58, 1991 General Session

53B-2-103. Boards of trustees -- Powers and duties.

(1) Each college and university has a board of trustees which may act in behalf of its institution in performing duties, responsibilities, and functions as may be specifically authorized to the board of trustees by the State Board of Regents.

(2) A board of trustees has the following powers and duties:

- (a) facilitates communication between the institution and the community;
- (b) assists in planning, implementing, and executing fund raising and development projects aimed at supplementing institutional appropriations;
- (c) perpetuates and strengthens alumni and community identification with the institution's tradition and goals; and
- (d) selects recipients of honorary degrees.

Amended by Chapter 58, 1991 General Session

53B-2-104. Memberships of board of trustees -- Terms -- Vacancies -- Oath -- Officers -- Bylaws -- Quorum -- Committees -- Compensation.

(1) (a) The board of trustees of an institution of higher education consists of the following:

- (i) except as provided in Subsection 53B-18-1201(3)(b), eight persons appointed by the governor and approved by the Senate; and
- (ii) two ex officio members who are the president of the institution's alumni

association, and the president of the associated students of the institution.

(b) The appointed members of the boards of trustees for Utah Valley University and Salt Lake Community College shall be representative of the interests of business, industry, and labor.

(2) (a) The governor shall appoint four members of each board of trustees during each odd-numbered year to four-year terms commencing on July 1 of the year of appointment.

(b) An appointed member holds office until a successor is appointed and qualified.

(c) The ex officio members serve for the same period as they serve as presidents and until their successors have qualified.

(3) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(4) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(5) Each board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(6) (a) Each board of trustees may enact bylaws for its own government, including provision for regular meetings.

(b) (i) The board of trustees may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.

(c) Copies of the board of trustees' bylaws shall be filed with the board.

(7) A quorum is required to conduct business and consists of six members.

(8) A board of trustees may establish advisory committees.

(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(10) This section does not apply to the Utah College of Applied Technology.

Amended by Chapter 211, 2010 General Session

Amended by Chapter 286, 2010 General Session

53B-2-105. Consultation with boards of trustees.

(1) The board shall consult with the board of trustees or the president of the institution or both of them prior to acting on matters pertaining to the institution.

(2) The board may do the following:

- (a) call meetings with one or more of the several boards of trustees;
- (b) invite other groups to meet with it; and
- (c) appoint committees, including members of boards of trustees, administrators, faculty staff members, and students to perform duties assigned by the board.

Amended by Chapter 58, 1991 General Session

53B-2-106. Duties and responsibilities of the president of each institution
-- Approval by board of trustees.

(1) (a) The president of each institution may exercise grants of power and authority as delegated by the board, as well as the necessary and proper exercise of powers and authority not specifically denied to the institution, its administration, faculty, or students by the board or by law, to assure the effective and efficient administration and operation of the institution consistent with the statewide master plan for higher education.

(b) The president of each institution may, after consultation with the institution's board of trustees, exercise powers relating to the institution's employees, including faculty and persons under contract with the institution, by implementing any of the following:

- (i) furloughs;
- (ii) reductions in force;
- (iii) benefit adjustments;
- (iv) program reductions or discontinuance;
- (v) early retirement incentives that provide cost savings to the institution; and
- (vi) other measures that provide cost savings to the institution.

(2) Except as provided by the board, the president of each institution, with the approval of the institution's board of trustees may:

(a) (i) appoint a secretary, a treasurer, administrative officers, deans, faculty members, and other professional personnel, prescribe their duties, and determine their salaries;

(ii) appoint support personnel, prescribe their duties, and determine their salaries from the institution's position classification plan, which may:

(A) be based upon similarity of duties and responsibilities within the institution; and

(B) as funds permit, provide salary and benefits comparable with private enterprise;

(iii) adopt policies for:

(A) employee sick leave use and accrual; and

(B) service recognition for employees with more than 15 years of employment with the institution; and

(iv) subject to the authority of, policy established by, and the approval of the board of regents, and recognizing the status of the institutions within the state system of higher education as bodies politic and corporate, appoint attorneys to provide legal advice to the institution's administration and to coordinate legal affairs within the institution. The board of regents shall coordinate activities of attorneys at the

institutions of higher education. The institutions shall provide an annual report to the board of regents on the activities of appointed attorneys. These appointed attorneys may not conduct litigation, settle claims covered by the State Risk Management Fund, or issue formal legal opinions but shall, in all respects, cooperate with the Office of the Attorney General in providing legal representation to the institution;

(b) provide for the constitution, government, and organization of the faculty and administration, and enact implementing rules, including the establishment of a prescribed system of tenure;

(c) authorize the faculty to determine the general initiation and direction of instruction and of the examination, admission, and classification of students. In recognition of the diverse nature and traditions of the various institutions governed by the board, the systems of faculty government need not be identical but should be designed to further faculty identification with and involvement in the institution's pursuit of achievement and excellence and in fulfillment of the institution's role as established in the statewide master plan for higher education; and

(d) enact rules for administration and operation of the institution which are consistent with the prescribed role established by the board, rules enacted by the board, or the laws of the state. The rules may provide for administrative, faculty, student, and joint committees with jurisdiction over specified institutional matters, for student government and student affairs organization, for the establishment of institutional standards in furtherance of the ideals of higher education fostered and subscribed to by the institution, its administration, faculty, and students, and for the holding of classes on legal holidays, other than Sunday.

(3) Compensation costs and related office expenses for appointed attorneys shall be funded within existing budgets.

(4) The State Board of Regents shall establish guidelines relating to the roles and relationships between institutional presidents and boards of trustees, including those matters which must be approved by a board of trustees before implementation by the president.

(5) This section does not apply to the Utah College of Applied Technology.

Amended by Chapter 370, 2009 General Session

53B-2-107. Appropriations reallocation for 2001-2002 fiscal year.

(1) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal year beginning July 1, 2001 and ending June 30, 2002, may be reallocated between line items as provided in this section.

(2) (a) The president of the University of Utah may reallocate between line items the appropriations:

(i) described in Items 143-150 and Item 152 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the

reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(3) (a) The president of Utah State University may reallocate between line items the appropriations:

(i) described in Items 154-166 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(4) (a) The president of Weber State University may reallocate between line items the appropriations:

(i) described in Items 168 and 169 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(5) (a) The president of Southern Utah University may reallocate between line items the appropriations:

(i) described in Items 170-172 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(6) (a) The president of Snow College may reallocate between line items the appropriations:

(i) described in Items 173-175 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(7) (a) The president of Dixie State College may reallocate between line items the appropriations:

(i) described in Items 177-179 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

(B) H.B. 3, 2002 General Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

(8) (a) The president of the College of Eastern Utah may reallocate between line items the appropriations:

(i) described in Items 180-183 in Laws of Utah 2001, Chapter 334; and

(ii) as modified by:

(A) H.B. 1, 2002 General Session; and

- (B) H.B. 3, 2002 General Session.
- (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (9) (a) The president of Utah Valley State College may reallocate between line items the appropriations:
 - (i) described in Items 184 and 185 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
- (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (10) (a) The president of Salt Lake Community College may reallocate between line items the appropriations:
 - (i) described in Items 186-188 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
- (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.
- (11) (a) The State Board of Regents may reallocate between line items the appropriations:
 - (i) described in Items 189, 190, and 192-199 in Laws of Utah 2001, Chapter 334; and
 - (ii) as modified by:
 - (A) H.B. 1, 2002 General Session; and
 - (B) H.B. 3, 2002 General Session.
- (b) The total amount of money reallocated may not exceed the sum of the reductions made in H.B. 1, 2002 General Session and H.B. 3, 2002 General Session.

Amended by Chapter 250, 2008 General Session

Amended by Chapter 382, 2008 General Session

53B-2-108. Appropriations reallocation for 2002-2003 fiscal year.

- (1) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal year beginning July 1, 2002 and ending June 30, 2003, may be reallocated between line items as provided in this section.
- (2) (a) The president of the University of Utah may reallocate between line items the appropriations:
 - (i) described in Items 141-149 in S.B. 1, 2002 General Session; and
 - (ii) as modified by supplemental appropriations, including H.B. 4001, 2002 Fourth Special Session and H.B. 5009, 2002 Fifth Special Session.
- (b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.
- (3) (a) The president of Utah State University may reallocate between line items the appropriations:

(i) described in Items 150-159 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 4001, 2002 Fourth Special Session and H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(4) (a) The president of Weber State University may reallocate between line items the appropriations:

(i) described in Items 160 and 161 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 4001, 2002 Fourth Special Session and H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(5) (a) The president of Southern Utah University may reallocate between line items the appropriations:

(i) described in Items 162-164 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(6) (a) The president of Snow College may reallocate between line items the appropriations:

(i) described in Items 165-167 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(7) (a) The president of Dixie State College may reallocate between line items the appropriations:

(i) described in Items 168-170 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(8) (a) The president of the College of Eastern Utah may reallocate between line items the appropriations:

(i) described in Items 171-174 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(9) (a) The president of Utah Valley State College may reallocate between line items the appropriations:

(i) described in Items 175 and 176 in S.B. 1, 2002 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the

reductions made in the supplemental appropriations.

(10) (a) The president of Salt Lake Community College may reallocate between line items the appropriations:

(i) described in Items 177-179 in S.B. 1, 2002 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

(11) (a) The State Board of Regents may reallocate between line items the appropriations:

(i) described in Items 180-189 in S.B. 1, 2002 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 5009, 2002 Fifth Special Session.

(b) The total amount of money reallocated may not exceed the sum of the reductions made in the supplemental appropriations.

Amended by Chapter 382, 2008 General Session

53B-2-108.1. Appropriations reallocation -- Presidents' authority.

(1) Notwithstanding the requirements of Title 63J, Chapter 1, Budgetary Procedures Act, appropriations for the support of higher education for the fiscal years 2008-09 and 2009-10 may be reallocated between line items as provided in this section.

(2) (a) The president of the University of Utah may reallocate between line items the appropriations:

(i) described in Items 119-128 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to the University of Utah for fiscal year 2008-09 made after the 2009 General Session.

(3) (a) The president of Utah State University may reallocate between line items the appropriations:

(i) described in Items 129-137 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Utah State University for fiscal year 2008-09 made after the 2009 General Session.

(4) (a) The president of Weber State University may reallocate between line items the appropriations:

(i) described in Items 138 and 139 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Weber State University for fiscal year 2008-09 made after the 2009 General Session.

(5) (a) The president of Southern Utah University may reallocate between line items the appropriations:

(i) described in Items 140-143 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Southern Utah University for fiscal year 2008-09 made after the 2009 General Session.

(6) (a) The president of Snow College may reallocate between line items the appropriations:

(i) described in Items 144-146 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Snow College for

fiscal year 2008-09 made after the 2009 General Session.

(7) (a) The president of Dixie State College may reallocate between line items the appropriations:

(i) described in Items 147-149 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Dixie State College for fiscal year 2008-09 made after the 2009 General Session.

(8) (a) The president of the College of Eastern Utah may reallocate between line items the appropriations:

(i) described in Items 150-153 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to the College of Eastern Utah for fiscal year 2008-09 made after the 2009 General Session.

(9) (a) The president of Utah Valley University may reallocate between line items the appropriations:

(i) described in Items 154 and 155 in S.B. 1, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 103, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Utah Valley University for fiscal year 2008-09 made after the 2009 General Session.

(10) (a) The president of Salt Lake Community College may reallocate between line items the appropriations:

(i) described in Items 156-158 in S.B. 1, 2008 General Session; and
(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to Salt Lake Community College for fiscal year 2008-09 made after the 2009 General Session.

(11) (a) The State Board of Regents may reallocate between line items the appropriations:

(i) described in Items 168-178 in S.B. 1, 2008 General Session and money appropriated in H.B. 86, 2008 General Session, and S.B. 180, 2008 General Session; and

(ii) as modified by supplemental appropriations, including H.B. 2, 2008 General Session, H.B. 3, 2008 General Session, H.B. 4, 2008 General Session, S.B. 2001, 2008 Second Special Session, H.B. 3, 2009 General Session, and any other supplemental or other appropriations for the 2008-09 fiscal year.

(b) (i) The total amount of money reallocated may not exceed the net reduction for the 2008-09 fiscal year.

(ii) The percent of a line item appropriation that may be reallocated may not exceed the sum of:

(A) 5%; and

(B) 1.5 times the percent of any reduction in appropriations to the State Board of Regents for fiscal year 2008-09 made after the 2009 General Session.

(12) (a) The State Board of Regents and an institution listed in Subsections (2) through (10) may reallocate appropriations between line items for the 2009-10 fiscal year, in accordance with Subsection (12)(b).

(b) The percent of a line item appropriation that may be reallocated may not exceed 1.5 times the percentage difference between:

(i) ongoing appropriations for the State Board of Regents or institution in the 2008-09 fiscal year; and

(ii) appropriations for the State Board of Regents or institution in the 2009-10 fiscal year.

(13) In the 2008-09 and 2009-10 fiscal years, the president of each institution is encouraged, as soon as is reasonably possible, to exercise the budget authority provided under Subsection 53B-2-106(1)(b), as needed, to balance budgets and maintain the effective and efficient administration and operation of the institution consistent with reduced institutional funding.

Amended by Chapter 370, 2009 General Session

53B-2-108.2. Appropriation reallocation -- Commissioner reallocation of

certain compensation amounts.

Notwithstanding the \$1.5 million appropriated for fiscal year 2012 to the eight higher education institutions for compensation in Senate Bill 3, Appropriation Adjustments, 2011 General Session, and Senate Bill 6, State Agency and Higher Education Compensation Appropriations, 2011 General Session, the commissioner of higher education shall equalize the money appropriated to each higher education institution for compensation in those bills by removing excess money from some institutions and transferring the money to underfunded institutions so that each higher education institution takes a 0.6% reduction of their cumulative fiscal year 2011 general fund and education fund base appropriation.

Enacted by Chapter 184, 2011 General Session

53B-2-109. Notice to local government when constructing student housing.

(1) Each institution that intends to construct student housing on property owned by the institution shall provide written notice of the intended construction, as provided in Subsection (2), before any funds are committed to the construction, if any of the proposed student housing buildings is within 300 feet of privately owned residential property.

(2) Each notice under Subsection (1) shall be provided to the legislative body and, if applicable, the mayor of:

(a) the county in whose unincorporated area the privately owned residential property is located; or

(b) the municipality in whose boundaries the privately owned residential property is located.

(3) (a) (i) Within 21 days after receiving the notice required by Subsection (1), a county or municipality entitled to the notice may submit a written request to the institution for a public hearing on the proposed student housing construction.

(ii) Each county or municipality that submits a written request for a hearing under Subsection (3)(a) shall deliver a copy of the request to the Division of Facilities Construction and Management.

(b) If a county or municipality requests a hearing under Subsection (3)(a), the legislative body of the affected county or municipality and the institution shall jointly hold a public hearing to provide information to the public and to allow the institution and the county or municipality to receive input from the public about the proposed student housing construction.

(c) A public hearing held under Subsection (3)(a) satisfies the public hearing requirement of Subsection 63A-5-206(13)(b) for the same proposed student housing construction.

Enacted by Chapter 231, 2005 General Session

53B-2-110. Utah Valley University -- Institutional name change.

(1) Beginning July 1, 2008, Utah Valley State College shall be known as Utah Valley University.

- (2) The university is a continuation of Utah Valley State College and shall:
 - (a) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the college; and
 - (b) fulfill and perform all obligations of the college, including obligations relating to outstanding bonds and notes.

Enacted by Chapter 356, 2007 General Session

53B-2-111. Dixie State University -- Institutional name change.

- (1) Dixie State College of Utah shall be known as Dixie State University.
- (2) Dixie State University is a continuation of Dixie State College of Utah and shall:
 - (a) possess all rights, titles, privileges, powers, immunities, franchises, endowments, property, and claims of Dixie State College of Utah; and
 - (b) fulfill and perform all obligations of Dixie State College of Utah, including obligations relating to outstanding bonds and notes.

Enacted by Chapter 10, 2013 General Session

53B-2a-101. Definitions.

As used in this chapter:

- (1) "Board of trustees" means the Utah College of Applied Technology Board of Trustees.
- (2) "College campus" means a college campus of the Utah College of Applied Technology.
- (3) "Competency-based" means mastery of subject matter or skill level, as demonstrated through business and industry approved standards and assessments, achieved through participation in a hands-on learning environment, and which is tied to observable, measurable performance objectives.
- (4) "Open-entry, open-exit" means:
 - (a) a method of instructional delivery that allows for flexible scheduling in response to individual student needs or requirements and demonstrated competency when knowledge and skills have been mastered;
 - (b) students have the flexibility to begin or end study at any time, progress through course material at their own pace, and demonstrate competency when knowledge and skills have been mastered; and
 - (c) if competency is demonstrated in a program of study, a credential, certificate, or diploma may be awarded.

Amended by Chapter 346, 2009 General Session

53B-2a-102. President -- Appointment -- Duties.

- (1) (a) The board of trustees, upon approval from the governor and with the consent of the Senate for each appointee nominated on or after May 8, 2012, shall appoint a president for the Utah College of Applied Technology.
- (b) The president of the Utah College of Applied Technology does not need to

have a doctorate degree, but shall have extensive experience in career and technical education.

(c) The president shall serve at the board of trustees' discretion and may be terminated by:

(i) the board of trustees; or

(ii) the governor, after consultation with the board of trustees.

(d) The name of each final candidate for president of the Utah College of Applied Technology shall be publicly disclosed.

(2) The president shall:

(a) direct the Utah College of Applied Technology and coordinate the activities of each of its college campuses;

(b) in consultation with the board of trustees, campus presidents, and campus boards of directors, prepare a comprehensive strategic plan for delivering career and technical education through the Utah College of Applied Technology college campuses;

(c) after consulting with school districts, charter schools, and other higher education institutions in the regions, ensure that the curricula of the Utah College of Applied Technology meet the needs of the state, the regions, the school districts, and charter schools;

(d) in consultation with the board of trustees, campus presidents, and campus boards of directors, and after consulting with school districts, charter schools, and other higher education institutions in the region, develop strategies for providing career and technical education in rural areas, specifically considering the distances between rural career and technical education providers;

(e) establish minimum standards for career and technical education programs of the Utah College of Applied Technology college campuses;

(f) in conjunction with the board of trustees:

(i) develop and implement a system of common definitions, standards, and criteria for tracking and measuring the effectiveness of career and technical education;

(ii) maintain a central administration office for coordination, prioritization, support, and reporting of college functions dealing with:

(A) budgets and audits;

(B) facilities, including capital, capital development, and leases;

(C) management information systems;

(D) campus and college master planning efforts;

(E) strategic planning;

(F) articulation with institutions of higher education and public education;

(G) legislative, State System of Public Education, State System of Higher Education, and Board of Regents contact;

(H) general data collection; and

(I) programs, certificates, and curriculum; and

(iii) develop and implement a plan to inform citizens about the availability, cost, and advantages of career and technical education;

(g) after consulting with the State Board of Education, school districts, and charter schools, ensure that secondary students in the public education system have access to career and technical education through the Utah College of Applied Technology college campuses;

(h) in conjunction with the board of trustees, establish benchmarks, provide oversight, evaluate program performance, and obtain independent audits to ensure that college campuses follow the non-credit career and technical education mission described in this part; and

(i) with the approval of the board of trustees, appoint each campus president in accordance with Section 53B-2a-107 and annually set the compensation of each campus president.

Amended by Chapter 78, 2012 General Session

53B-2a-103. Utah College of Applied Technology Board of Trustees -- Membership -- Terms -- Vacancies -- Oath -- Officers -- Quorum -- Committees -- Compensation.

(1) There is created the Utah College of Applied Technology Board of Trustees, composed of the following members:

(a) one member of the State Board of Education appointed by the chair of the State Board of Education, to serve as a nonvoting member;

(b) one member of the State Board of Regents appointed by the chair of the State Board of Regents, to serve as a nonvoting member;

(c) one member representing business and industry employers from the campus board of directors of each applied technology college campus appointed by a majority vote of the business and industry employer members of the campus board;

(d) one member representing business and industry employers from the Snow College Economic Development and Workforce Preparation Advisory Committee appointed by a majority of the business and industry employer members of the advisory committee;

(e) one member representing business and industry employers from the Utah State University Eastern career and technical education advisory committee appointed by a majority of the business and industry employer members of the advisory committee;

(f) one member representing business and industry employers from the Salt Lake Community College School of Applied Technology Board of Directors appointed by a majority of the business and industry employer members of the board of directors;

(g) one business or industry employer representative appointed by the governor with the consent of the Senate from nominations submitted by the speaker of the House of Representatives and president of the Senate;

(h) one representative of union craft, trade, or apprenticeship programs that prepare workers for employment in career and technical education fields, appointed by the governor with the consent of the Senate;

(i) one representative of non-union craft, trade, or apprenticeship programs that prepare workers for employment in career and technical education fields, appointed by the governor with the consent of the Senate; and

(j) the executive director of the Governor's Office of Economic Development or the executive director's designee.

(2) (a) In making appointments to the board of trustees, the governor shall consider:

(i) individuals from the state at large with due consideration for geographical representation;

(ii) individuals recognized for their knowledge and expertise; and

(iii) individuals who represent current and emerging business and industry sectors of the state.

(b) Appointments to the board shall be made on a nonpartisan basis.

(3) (a) Except as provided under Subsection (3)(b), members of the board of trustees shall be appointed commencing on July 1 of each odd-numbered year to a four-year term.

(b) Initial terms of the board members beginning on July 1, 2009 shall be staggered with two-year and four-year terms so that approximately one-half of the members' terms will expire in any odd-numbered year.

(c) An appointed member holds office until a successor is appointed and qualified.

(4) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(5) (a) Each member shall take the official oath of office prior to assuming the office.

(b) The oath shall be filed with the Division of Archives and Records Services.

(6) The board of trustees shall elect a chair and vice chair, who serve for two years and until their successors are elected and qualified.

(7) (a) The board of trustees may enact bylaws for its own government, including provision for regular meetings.

(b) (i) The board of trustees may provide for an executive committee in its bylaws.

(ii) If established, the committee shall have full authority of the board of trustees to act upon routine matters during the interim between board of trustees meetings.

(iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.

(iv) The committee shall report its activities to the board of trustees at its next regular meeting following the action.

(8) A quorum shall be required to conduct business which shall consist of a majority of voting board of trustee members.

(9) The board of trustees may establish advisory committees.

(10) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 128, 2014 General Session

53B-2a-104. Utah College of Applied Technology Board of Trustees -- Powers and duties.

(1) The Utah College of Applied Technology Board of Trustees is vested with

the control, management, and supervision of the Utah College of Applied Technology college campuses in a manner consistent with the policy and purpose of this title and the specific powers and responsibilities granted to it.

(2) The Utah College of Applied Technology Board of Trustees shall:

(a) ensure that the Utah College of Applied Technology college campuses comply with the requirements in Section 53B-2a-106;

(b) appoint the president for the Utah College of Applied Technology in accordance with Section 53B-2a-102;

(c) advise the president of the Utah College of Applied Technology and the State Board of Regents on issues related to career and technical education, including articulation with institutions of higher education and public education;

(d) receive budget requests from each college campus, compile and prioritize the requests, and submit the request to:

(i) the Legislature; and

(ii) the Governor's Office of Management and Budget;

(e) receive funding requests pertaining to capital facilities and land purchases from each college campus, ensure that the requests comply with Section 53B-2a-112, prioritize the requests, and submit the prioritized requests to the State Building Board;

(f) in conjunction with the Utah College of Applied Technology president, establish benchmarks, provide oversight, evaluate program performance, and obtain independent audits to ensure that campuses follow the non-credit career and technical education mission described in this part;

(g) approve programs for the Utah College of Applied Technology;

(h) approve the tuition rates for the Utah College of Applied Technology;

(i) prepare and submit an annual report detailing its progress and recommendations on career and technical education issues to the governor and to the Legislature's Education Interim Committee by October 31 of each year, which shall include information detailing:

(i) how the career and technical education needs of secondary students are being met, including what access secondary students have to programs offered at college campuses;

(ii) how the emphasis on high demand, high wage, and high skill jobs in business and industry described in Subsection 53B-2a-106(1)(c)(ii) is being provided;

(iii) performance outcomes, including:

(A) entered employment;

(B) job retention; and

(C) earnings; and

(iv) student tuition and fees; and

(j) collaborate with the State Board of Regents, the State Board of Education, the State System of Public Education, the State System of Higher Education, the Department of Workforce Services, and the Governor's Office of Economic Development on the delivery of career and technical education.

(3) The Utah College of Applied Technology Board of Trustees, the president of the Utah College of Applied Technology, and the Utah College of Applied Technology's college campuses, presidents, and boards of directors may not conduct a feasibility study or perform another act relating to offering a degree or awarding credit.

Amended by Chapter 310, 2013 General Session

53B-2a-105. Utah College of Applied Technology -- Composition.

The Utah College of Applied Technology is composed of the following college campuses:

- (1) the Bridgerland Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Box Elder School District;
 - (b) the Cache School District;
 - (c) the Logan School District; and
 - (d) the Rich School District;
- (2) the Ogden-Weber Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Ogden City School District; and
 - (b) the Weber School District;
- (3) the Davis Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Davis School District; and
 - (b) the Morgan School District;
- (4) the Tooele Applied Technology College Campus which serves the geographic area encompassing the Tooele County School District;
- (5) the Mountainland Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Alpine School District;
 - (b) the Nebo School District;
 - (c) the Provo School District;
 - (d) the South Summit School District;
 - (e) the North Summit School District;
 - (f) the Wasatch School District; and
 - (g) the Park City School District;
- (6) the Uintah Basin Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Daggett School District;
 - (b) the Duchesne School District; and
 - (c) the Uintah School District;
- (7) the Southwest Applied Technology College Campus which serves the geographic area encompassing:
 - (a) the Beaver School District;
 - (b) the Garfield School District;
 - (c) the Iron School District; and
 - (d) the Kane School District; and
- (8) the Dixie Applied Technology College Campus which serves the geographic area encompassing the Washington School District.

Amended by Chapter 346, 2009 General Session

53B-2a-106. College campuses -- Duties.

(1) Each Utah College of Applied Technology college campus shall, within the geographic area served by the college campus:

- (a) offer a non-credit post-secondary and secondary career and technical education curriculum;
 - (b) offer that curriculum at:
 - (i) low cost to adult students, as approved by the board of trustees; and
 - (ii) no tuition to secondary students;
 - (c) provide career and technical education that will result in:
 - (i) appropriate licensing, certification, or other evidence of completion of training;
- and

- (ii) qualification for specific employment, with an emphasis on high demand, high wage, and high skill jobs in business and industry;

- (d) develop cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities within the geographic area served by the college campus; and

- (e) after consulting with school districts and charter schools within the geographic area served by the college campus:

- (i) ensure that secondary students in the public education system have access to career and technical education at each college campus; and

- (ii) prepare and submit an annual report to the Utah College of Applied Technology detailing:

- (A) how the career and technical education needs of secondary students within the region are being met;

- (B) what access secondary students within the region have to programs offered at college campuses;

- (C) how the emphasis on high demand, high wage, high skill jobs in business and industry described in Subsection (1)(c)(ii) is being provided; and

- (D) student tuition and fees.

- (2) A college campus may offer:

- (a) a competency-based high school diploma approved by the State Board of Education in accordance with Section 53A-1-402;

- (b) non-credit, basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen career and technical education or job-related program; and

- (c) non-credit courses of interest when similar offerings to the community are limited and courses are financially self-supporting.

- (3) A college campus may not:

- (a) offer courses other than non-credit career and technical education or the non-credit, basic instruction described in Subsections (2)(b) and (c);

- (b) offer a degree;

- (c) offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement between an affected institution, except as provided in Subsection (6);

- (d) provide tenure or academic rank for its instructors; and

(e) participate in intercollegiate athletics.

(4) The mission of a college campus is limited to non-credit career and technical education and may not expand to include credit-based academic programs typically offered by community colleges or other institutions of higher education.

(5) A campus shall be recognized as a college campus of the Utah College of Applied Technology, and regional affiliation shall be retained and recognized through local designations such as "Bridgerland Applied Technology College: A Utah College of Applied Technology Campus."

(6) (a) A college campus may offer career and technical education or basic instruction outside the geographic area served by the college campus without a cooperative agreement, as required in Subsection (3)(c), if:

(i) the career and technical education or basic instruction is specifically requested by:

(A) an employer; or

(B) a craft, trade, or apprenticeship program;

(ii) the college campus notifies the affected institution about the request; and

(iii) the affected institution is given an opportunity to make a proposal, prior to any contract being finalized or training being initiated by the college campus, to the employer, craft, trade, or apprenticeship program about offering the requested career and technical education or basic instruction, provided that the proposal shall be presented no later than one business week from the delivery of the notice described under Subsection (6)(b).

(b) The requirements under Subsection (6)(a)(iii) do not apply if there is a prior training relationship.

Amended by Chapter 346, 2009 General Session

53B-2a-107. Campus presidents -- Appointments -- Duties.

(1) (a) The president of the Utah College of Applied Technology shall, after consultation with a campus board of directors and with the approval of the board of trustees, appoint a campus president for a college campus.

(b) A campus president shall serve as the chief administrative officer of the college campus.

(c) A campus president does not need to have a doctorate degree, but shall have extensive experience in career and technical education.

(d) A campus president is subject to regular review and evaluation administered by the Utah College of Applied Technology president, in cooperation with the campus board of directors, through a process approved by the board of trustees.

(e) A campus president serves at the discretion of the Utah College of Applied Technology president, in cooperation with the campus board of directors and the board of trustees.

(2) Each campus president of a college campus shall:

(a) serve as the executive officer of the campus board of directors;

(b) administer the day-to-day operations of the college campus;

(c) consult with the campus board of directors; and

(d) administer human resource policies and employee compensation plans in

accordance with the requirements of the Utah College of Applied Technology Board of Trustees.

Amended by Chapter 346, 2009 General Session

53B-2a-108. Campus boards of directors -- Membership -- Appointments.

A campus shall have a campus board of directors appointed as follows:

(1) the Bridgerland Applied Technology College Campus Board of Directors shall be composed of the following 12 members:

(a) one elected local school board member appointed by the board of education for the Box Elder School District;

(b) one elected local school board member appointed by the board of education for the Cache School District;

(c) one elected local school board member appointed by the board of education for the Logan School District;

(d) one elected local school board member appointed by the board of education for the Rich School District;

(e) one member of the Utah State University board of trustees; and

(f) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (1)(a) through (e);

(2) the Ogden-Weber Applied Technology College Campus Board of Directors shall be composed of the following 10 members:

(a) one elected local school board member appointed by the board of education for the Ogden City School District;

(b) one elected local school board member appointed by the board of education for the Weber School District;

(c) one member of the Weber State University board of trustees; and

(d) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (2)(a) through (c);

(3) the Davis Applied Technology College Campus Board of Directors shall be composed of the following 10 members:

(a) one elected local school board member appointed by the board of education for the Davis School District;

(b) one elected local school board member appointed by the board of education for the Morgan School District;

(c) one member of the Weber State University board of trustees; and

(d) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (3)(a) through (c);

(4) the Tooele Applied Technology College Campus Board of Directors shall be composed of the following 12 members:

(a) one elected local school board member appointed by the board of education for the Tooele County School District;

(b) one member of the Utah State University board of trustees; and

(c) 10 representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (4)(a) and (b);

(5) the Mountainland Applied Technology College Campus Board of Directors

shall be composed of the following 18 members:

(a) one elected local school board member appointed by the board of education for the Alpine School District;

(b) one elected local school board member appointed by the board of education for the Nebo School District;

(c) one elected local school board member appointed by the board of education for the Provo School District;

(d) one elected local school board member appointed by the board of education for the South Summit School District;

(e) one elected local school board member appointed by the board of education for the North Summit School District;

(f) one elected local school board member appointed by the board of education for the Wasatch School District;

(g) one elected local school board member appointed by the board of education for the Park City School District;

(h) one member of the Utah Valley University board of trustees; and

(i) 10 representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (5)(a) through (h);

(6) the Uintah Basin Applied Technology College Campus Board of Directors shall be composed of the following 10 members:

(a) one elected local school board member appointed by the board of education for the Daggett School District;

(b) one elected local school board member appointed by the board of education for the Duchesne School District;

(c) one elected local school board member appointed by the board of education for the Uintah School District;

(d) one member of the Utah State University board of trustees; and

(e) six representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (6)(a) through (d);

(7) the Southwest Applied Technology College Campus Board of Directors shall be composed of the following 12 members:

(a) one elected local school board member appointed by the board of education for the Beaver School District;

(b) one elected local school board member appointed by the board of education for the Garfield School District;

(c) one elected local school board member appointed by the board of education for the Iron School District;

(d) one elected local school board member appointed by the board of education for the Kane School District;

(e) one member of the Southern Utah University board of trustees; and

(f) seven representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (7)(a) through (e);

(8) the Dixie Applied Technology College Campus Board of Directors shall be composed of the following 10 members:

(a) one elected local school board member appointed by the board of education for the Washington School District;

- (b) one member of the Dixie State University board of trustees; and
- (c) eight representatives of business or industry employers within the region appointed jointly by the members appointed under Subsections (8)(a) and (b); and
- (9) the representatives of business or industry employers shall be:
 - (a) appointed jointly by the designated members from a list of names provided by local organizations or associations whose members employ workers with career and technical education;
 - (b) individuals recognized for their knowledge and expertise;
 - (c) individuals who represent current and emerging business and industry sectors of the state; and
 - (d) appointed on a nonpartisan basis.

Amended by Chapter 128, 2014 General Session

53B-2a-109. Campus boards of directors -- Terms -- Quorum -- Chair-- Compensation.

- (1) (a) At the first meeting of a campus board of directors after July 1, 2009:
 - (i) the representatives from the local school boards shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms; and
 - (ii) the representatives from business and industry employers shall divide up their positions so that approximately half of them serve for two-year terms and half serve for four-year terms.
- (b) Except as provided in Subsection (1)(a), individuals appointed to a campus board of directors shall serve four-year terms.
- (2) The original appointing authority shall fill any vacancies that occur on the campus board of directors.
- (3) A majority of the campus board of directors is a quorum.
- (4) A campus board of directors shall elect a chair from its membership.
- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6) (a) A campus board of directors may enact bylaws for its own government, including provision for regular meetings, that are in accordance with the policies of the Utah College of Applied Technology.
 - (b) (i) The campus board of directors may provide for an executive committee in its bylaws.
 - (ii) If established, the committee shall have the full authority of the campus board of directors to act upon routine matters during the interim between board meetings.
 - (iii) The committee may act on nonroutine matters only under extraordinary and emergency circumstances.
 - (iv) The committee shall report its activities to the campus board of directors at

its next regular meeting following the action.

(7) A campus board of directors may establish advisory committees.

Amended by Chapter 286, 2010 General Session

53B-2a-110. Campus board of directors -- Powers and duties.

(1) A campus board of directors shall:

(a) assist the campus president in preparing a budget request for its annual operations to the Utah College of Applied Technology Board of Trustees;

(b) after consulting with the Utah College of Applied Technology, other higher education institutions, school districts, and charter schools within its region, prepare a comprehensive strategic plan for delivering career and technical education within its region;

(c) consult with business, industry, the Department of Workforce Services, the Governor's Office of Economic Development, and the Governor's Office of Management and Budget on an ongoing basis to determine what workers and skills are needed for employment in Utah businesses and industries;

(d) develop programs based upon the information gathered in accordance with Subsection (1)(c), including expedited program approval and termination procedures to meet market needs;

(e) adopt an annual budget and fund balances;

(f) develop policies for the operation of career and technical education facilities under its jurisdiction;

(g) establish human resources and compensation policies for all employees in accordance with policies of the Utah College of Applied Technology Board of Trustees;

(h) approve credentials for employees and assign employees to duties in accordance with the Utah College of Applied Technology Board of Trustees policies and accreditation guidelines;

(i) conduct annual program evaluations;

(j) appoint program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services;

(k) approve regulations, both regular and emergency, to be issued and executed by the campus president;

(l) coordinate with local school boards, school districts, and charter schools to meet the career and technical education needs of secondary students; and

(m) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the Utah College of Applied Technology and the State Board of Education.

(2) Subsection (1)(g) does not apply to a campus president.

(3) A campus board of directors may not exercise any jurisdiction over career and technical education provided by a school district or charter school or provided by a higher education institution independently of a college campus.

(4) If a program advisory committee or other advisory group submits a printed recommendation to the campus board of directors, the campus board of directors shall

acknowledge the recommendation with a printed response that explains the campus board of directors' action regarding the recommendation and the reasons for the action.

Amended by Chapter 310, 2013 General Session

53B-2a-111. Board of Trustees -- Consultation with State Board of Regents.

The Utah College of Applied Technology Board of Trustees shall consult with the State Board of Regents to coordinate the delivery of career and technical education.

Amended by Chapter 346, 2009 General Session

53B-2a-112. College campuses -- Relationships with other public and higher education institutions -- Agreements -- Priorities -- New capital facilities.

(1) As used in this section, "higher education institution" means, for each college campus, the higher education institution designated in Section 53B-2a-108 that has a representative on its campus board of directors.

(2) A college campus shall avoid any unnecessary duplication of career and technical education instructional facilities, programs, administration, and staff between the college campus and other public and higher education institutions.

(3) A college campus may enter into agreements:

- (a) with other higher education institutions to cultivate cooperative relationships;
- (b) with other public and higher education institutions to enhance career and technical education within its region; or
- (c) to comply with Subsection (2).

(4) Before a college campus develops its own new instructional facilities, it shall give priority to:

- (a) maintaining its own existing instructional facilities for both secondary and adult students;
- (b) coordinating with the president of a higher education institution and entering into any necessary agreements to provide career and technical education to both secondary and adult students that:
 - (i) maintain and support existing higher education career and technical education programs; and
 - (ii) maximize the use of existing higher education facilities; and
- (c) developing cooperative agreements with school districts, charter schools, other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of career and technical education instructional facilities for both secondary and adult students.

(5) (a) Before submitting a funding request pertaining to new capital facilities and land purchases to the Utah College of Applied Technology, a college campus shall:

- (i) ensure that all available instructional facilities are maximized in accordance with Subsections (4)(a) through (c); and
- (ii) coordinate the request with the president of a higher education institution, if applicable.

(b) The State Building Board shall make a finding that the requirements of this

section are met before it may consider a funding request of the Utah College of Applied Technology pertaining to new capital facilities and land purchases.

(c) A college campus may not construct, approve the construction of, plan for the design or construction of, or consent to the construction of a career and technical education facility without approval of the Legislature.

(6) Before acquiring new fiscal and administrative support structures, a college campus shall:

(a) review the use of existing public or higher education administrative and accounting systems, financial record systems, and student and financial aid systems for the delivery of career and technical education in the region;

(b) determine whether it is feasible to use those existing systems; and

(c) with the approval of the campus board of directors and the board of trustees, use those existing systems.

Amended by Chapter 346, 2009 General Session

53B-2a-113. College campuses -- Leasing authority -- Lease-purchase agreements -- Report.

(1) In accordance with Subsection 53B-2a-112(2), a college campus may enter into a lease with other higher education institutions, school districts, charter schools, state agencies, or business and industry for a term of:

(a) one year or less with the approval of the campus board of directors; and

(b) more than one year with the approval of the board of trustees and:

(i) the approval of funding for the lease by the Legislature prior to a college campus entering into the lease; or

(ii) the lease agreement includes language that allows termination of the lease without penalty.

(2) (a) In accordance with Subsection 53B-2a-112(2), a college campus may enter into a lease-purchase agreement if:

(i) there is a long-term benefit to the state;

(ii) the project is included in both the campus and Utah College of Applied Technology master plans;

(iii) the lease-purchase agreement includes language that allows termination of the lease;

(iv) the lease-purchase agreement is approved by the campus board of directors and the board of trustees; and

(v) the lease-purchase agreement is:

(A) reviewed by the Division of Facilities Construction and Management;

(B) reviewed by the State Building Board; and

(C) approved by the Legislature.

(b) An approval under Subsection (2)(a) shall include a recognition of:

(i) all parties, dates, and elements of the agreement;

(ii) the equity or collateral component that creates the benefit; and

(iii) the options dealing with the sale and division of equity.

(3) (a) Each college campus shall provide an annual lease report to the board of trustees that details each of its leases, annual costs, location, square footage, and

recommendations for lease continuation.

(b) The president of the Utah College of Applied Technology shall compile and distribute an annual combined lease report for all college campuses to the Division of Facilities Construction Management and to others upon request.

(4) The Utah College of Applied Technology shall use the annual combined lease report in determining planning, utilization, and budget requests.

Amended by Chapter 346, 2009 General Session

53B-2a-114. Educational program on the use of information technology.

(1) The Utah College of Applied Technology shall offer an educational program on the use of information technology as provided in this section.

(2) An educational program on the use of information technology shall:

(a) provide instruction on skills and competencies essential for the workplace and requested by employers;

(b) include the following components:

(i) a curriculum;

(ii) online access to the curriculum;

(iii) instructional software for classroom and student use;

(iv) certification of skills and competencies most frequently requested by employers;

(v) professional development for faculty; and

(vi) deployment and program support, including integration with existing curriculum standards; and

(c) be made available to students, faculty, and staff of the Utah College of Applied Technology.

Enacted by Chapter 181, 2012 General Session

53B-3-101. Purpose of chapter.

(1) It is the purpose of this chapter to confirm and clarify the power vested in the board to pass rules and regulations governing parking and traffic on campuses and related facilities and to enforce the rules and regulations by all appropriate methods.

(2) The board may delegate this authority and other authority granted under this chapter to the president of each institution so long as the rules and regulations are approved by the institution's board of trustees.

Amended by Chapter 58, 1991 General Session

53B-3-102. State institution of higher education defined.

(1) As used in this chapter, "state institution of higher education" means the University of Utah, Utah State University, Southern Utah University, Weber State University, Snow College, Dixie State University, Utah Valley University, Salt Lake Community College, and any other university or college which may be established and maintained by the state.

(2) It includes any branch or affiliated institution and any campus or facilities

owned, operated, or controlled by the governing board of the university or college.

Amended by Chapter 10, 2013 General Session

53B-3-103. Power of board to adopt rules and enact regulations.

(1) The board may enact regulations governing the conduct of university and college students, faculty, and employees.

(2) (a) The board may:

(i) enact and authorize higher education institutions to enact traffic, parking, and related regulations governing all individuals on campuses and other facilities owned or controlled by the institutions or the board; and

(ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at higher education institutions:

(A) authorize higher education institutions to establish no more than one secure area at each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise restrict the lawful possession or carrying of firearms; and

(B) authorize a higher education institution to make a rule that allows a resident of a dormitory located at the institution to request only roommates who are not licensed to carry a concealed firearm under Section 53-5-704 or 53-5-705.

(b) In addition to the requirements and penalty prescribed in Subsections 76-8-311.1(3), (4), (5), and (6), the board shall make rules to ensure that:

(i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used to detect firearms, ammunition, or dangerous weapons contained in the personal property of or on the person of any individual attempting to enter a secure area hearing room;

(ii) an individual required or requested to attend a hearing in a secure area hearing room is notified in writing of the requirements related to entering a secured area hearing room under this Subsection (2)(b) and Section 76-8-311.1;

(iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area hearing room is in effect only during the time the secure area hearing room is in use for hearings and for a reasonable time before and after its use; and

(iv) reasonable space limitations are applied to the secure area hearing room as warranted by the number of individuals involved in a typical hearing.

(3) The board shall enact regulations that require all testimony be given under oath during an employee grievance hearing for a non-faculty employee of an institution of higher education if the grievance hearing relates to the non-faculty employee's:

(a) demotion; or

(b) termination.

(4) The board and institutions may enforce these rules and regulations in any reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of which may be by withholding from money owed the violator, the imposition of probation, suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue certificates, degrees, and diplomas, through judicial process or any reasonable combination of these alternatives.

Amended by Chapter 298, 2014 General Session

53B-3-104. Establishment of police or security departments.

The board may establish and maintain police or security departments for the purpose of enforcing the regulations of each institution of higher education and the laws of the state.

Enacted by Chapter 167, 1987 General Session

53B-3-105. Appointment of police or security personnel -- Powers.

(1) Members of the police or security department of any college or university are appointed by the board.

(2) Upon appointment, they are peace officers and have all the powers possessed by policemen in cities and by sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances.

(3) Members of the police or security department of any college or university also have the power to enforce all rules and regulations promulgated by the board as related to the institution.

Enacted by Chapter 167, 1987 General Session

53B-3-106. Criminal and traffic laws in full force and effect.

(1) All of the criminal laws of this state, including the traffic laws, are in full force and effect on the campuses of state institutions of higher education and upon all other property or facilities owned by the institutions or operated or controlled by the governing board of the institution.

(2) (a) State institutions of higher education are "political subdivisions" and the board of the institutions is a "local authority."

(b) All streets, roadways, alleys, and parking lots on property owned or controlled by state institutions of higher education are "streets or highways" as these terms are used in Title 41, Chapter 6a, Traffic Code.

Amended by Chapter 2, 2005 General Session

53B-3-107. Traffic violations -- Notice of rule or regulation.

(1) It is a violation of this section for any person to operate or park a vehicle upon any property owned or controlled by a state institution of higher education contrary to posted signs authorized by the published rules and regulations of the institution or to block or impede traffic through or on any of these properties.

(2) Notice of a rule or regulation to all persons is sufficient if the rule or regulation is published in one issue of a newspaper of general circulation in the county or counties in which the institution and the campus or facility is located.

Amended by Chapter 388, 2009 General Session

53B-3-108. Violation of chapter a misdemeanor.

A violation of this chapter is a misdemeanor.

Enacted by Chapter 167, 1987 General Session

53B-3-109. Jurisdiction of district and justice courts.

Any district court or any justice court of any city or county in which property owned or controlled by a state institution of higher education is located has jurisdiction to hear and determine cases involving an alleged violation of this chapter.

Amended by Chapter 198, 1996 General Session

53B-3-110. Fines and forfeitures -- Disposition.

All fines and forfeitures collected by any justice court judge and one-half of all the fines and forfeitures collected by the clerk of any district court for a violation of any of this chapter are remitted to the state treasurer to be credited to the general operating fund of the state institution of higher education complaining of the violation.

Amended by Chapter 198, 1996 General Session

53B-4-101. WICHE compact.

As empowered by law, the governor of Utah has duly entered into a compact the text of which is as follows:

Article I.

Whereas, the future of this Nation and of the Western States is dependent upon the quality of the education of its youth; and

Whereas, many of the Western States individually do not have sufficient numbers of potential students to warrant the establishment and maintenance within their borders of adequate facilities in all of the essential fields of technical, professional, and graduate training, nor do all of the States have the financial ability to furnish within their borders institutions capable of providing acceptable standards of training in all of the fields mentioned above; and

Whereas, it is believed that the Western States, or groups of such states within the Region, cooperatively can provide acceptable and efficient educational facilities to meet the needs of the Region and of the students thereof:

Now, therefore, the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming do hereby covenant and agree as follows:

Article II.

Each of the compacting states and territories pledges to each of the other compacting states and territories faithful cooperation in carrying out all the purposes of this compact.

Article III.

The compacting states and territories hereby create the Western Interstate Commission for Higher Education, hereinafter called the Commission. The Commission shall be a body corporate of each compacting state and territory and an agency thereof. The Commission shall have all the powers and duties set forth herein, including the power to sue and be sued, and such additional powers as may be conferred upon it by subsequent action of the respective legislatures of the compacting

states and territories.

Article IV.

The Commission shall consist of three resident members from each compacting state or territory. At all times one commissioner from each compacting state or territory shall be an educator engaged in the field of higher education in the state or territory from which he is appointed.

The commissioners from each state and territory shall be appointed by the governor as provided by law in the state or territory. Any commissioner may be removed or suspended from office as provided by the law of the state or territory from which he shall have been appointed.

The terms of each commissioner shall be four years. Each commissioner shall hold office until his successor shall be appointed and qualified. If any office becomes vacant for any reason, the governor shall appoint a commissioner to fill the office for the remainder of the unexpired term.

Article V.

Any business transacted at any meeting of the Commission must be by affirmative vote of a majority of the whole number of compacting states and territories.

One or more commissioners from a majority of the compacting states and territories shall constitute a quorum for the transaction of business.

Each compacting state and territory represented at any meeting of the Commission is entitled to one vote.

Article VI.

The Commission shall elect from its number a chairman and a vice chairman, and may appoint, and at its pleasure dismiss or remove, such officers, agents, and employees as may be required to carry out the purpose of this Compact. The Commission shall fix and determine their duties, qualifications, and compensation, having due regard for the importance of the responsibilities involved.

The commissioners shall serve without compensation, but shall be reimbursed for their actual and necessary expenses from the funds of the Commission.

Article VII.

The Commission shall adopt a seal and bylaws and shall adopt and promulgate rules and regulations for its management and control.

The Commission may elect such committees as it deems necessary for the carrying out of its functions.

The Commission shall establish and maintain an office within one of the compacting states for the transaction of its business and may meet at any time, but in any event must meet at least once a year. The Chairman may call such additional meetings and upon the request of a majority of the commissioners of three or more compacting states or territories shall call additional meetings.

The Commission shall submit a budget to the governor of each compacting state and territory at such time and for such period as may be required.

The Commission shall, after negotiations with interested institutions, determine the cost of providing the facilities for graduate and professional education for use in its contractual agreements throughout the Region.

Prior to January 16 of each year, the Commission shall submit to the governors and legislatures of the compacting states and territories a report of its activities for the

preceding calendar year.

The Commission shall keep accurate books of account, showing in full its receipts and disbursements, and said books of account shall be open at any reasonable time for inspection by the governor of any compacting state or territory or his designated representative. The Commission shall not be subject to the audit in the accounting procedure of any of the compacting states or territories. The Commission shall provide for an independent annual audit.

Article VIII.

It is the duty of the Commission to enter in such contractual agreements with any institutions in the Region offering graduate or professional education and with any of the compacting states or territories as may be required in the judgment of the Commission to provide adequate services and facilities of graduate and professional education for the citizens of the respective compacting states or territories. The Commission shall first endeavor to provide adequate services and facilities in the fields of dentistry, medicine, public health, and veterinary medicine, and may undertake similar activities in other professional and graduate fields.

For this purpose the Commission may enter into contractual agreements:

(a) with the governing authority of any educational institution in the Region, or with any compacting state or territory, to provide such graduate or professional educational services upon terms and conditions to be agreed upon between contracting parties; and

(b) with the governing authority of an educational institution in the Region or with any compacting state or territory to assist in the placement of graduate or professional students in educational institutions in the Region providing the desired service and facilities, upon such terms and conditions as the Commission may prescribe.

It is the duty of the Commission to undertake studies of needs for professional and graduate educational facilities in the Region, the resources for meeting those needs, and the long-range effects of the Compact on higher education; and from time to time to prepare comprehensive reports on such research for presentation to the Western Governors' Conference and to the legislatures of the compacting states and territories. In conducting the studies, the Commission may confer with any national or regional planning body which may be established. The Commission shall draft and recommend to the governors of the various compacting states and territories, uniform legislation dealing with problems of higher education in the Region.

For the purposes of this Compact, "Region" means the geographical limits of the several compacting states and territories.

Article IX.

The operating costs of the Commission shall be apportioned equally among the compacting states and territories.

Article X.

This Compact shall become operative and binding immediately as to those states and territories adopting it whenever five or more of the states or territories of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, Wyoming, Alaska, and Hawaii have duly adopted it. This Compact shall become effective as to any additional states or territories adopting thereafter at the time of such adoption.

Article XI.

This Compact may be terminated at any time by consent of a majority of the compacting states or territories. Consent shall be manifested by passage and signature in the usual manner of legislation expressing that consent by the Legislature and governor of the terminating state. Any state or territory may at any time withdraw from this Compact by means of appropriate legislation to that end. The withdrawal is not effective until two years after written notice by the governor of the withdrawing state or territory accompanied by a certified copy of the requisite legislative action is received by the Commission. The withdrawal shall not relieve the withdrawing state or territory from its obligations under the compact accruing prior to the effective date of withdrawal. The withdrawing state or territory may rescind its action of withdrawal at any time within the two-year period. Thereafter, the withdrawing state or territory may be reinstated by application to and the approval by a majority vote of the Commission.

Article XII.

If any compacting state or territory at any time defaults in the performance of any of its obligations assumed or imposed in accordance with this Compact, all rights, privileges, and benefits conferred by this Compact or agreements under the Compact are suspended from the effective date of that default as fixed by the Commission.

Unless the default is remedied within a period of two years following the effective date of the default, this Compact may be terminated with respect to the defaulting state or territory by affirmative vote of 3/4 of the other member states or territories.

The defaulting state may be reinstated by: (a) performing all acts and obligations upon which it has defaulted; and (b) application to and the approval by a majority vote of the Commission.

Enacted by Chapter 167, 1987 General Session

53B-4-103. Commissioners -- Duties -- Records of academic progress -- Cancellation of student registration.

(1) The commissioners are the three resident members from the state of Utah, required by Article IV of the compact, and are authorized to function as representatives of the state on the Western Interstate Commission for Higher Education.

(2) The commissioners' duties are as follows:

(a) to study the need for professional and graduate educational facilities not available within this state;

(b) to recommend appropriations to meet the needs of this act;

(c) to provide for screening of all applicants for professional, graduate, or higher educational study not available within the state in accordance with established rules; and

(d) to certify to out of state institutions under the compact all acceptable candidates.

(3) An applicant may not be certified unless the applicant has been a bona fide resident of the state for at least the five years prior to the date of application.

(4) (a) Students must maintain continuous Utah residency during their attendance at an out of state institution in order to receive financial support under the compact.

(b) If Utah residency is terminated by a student during any academic year in which the student has received financial support under the compact, the support shall be relinquished and terminated at the end of that academic year.

(5) (a) The Commissioner of Higher Education shall maintain records of the academic progress of Utah students receiving financial support under the compact while attending out of state institutions.

(b) If the records reveal a student is not progressing satisfactorily, upon recommendation of the out of state institution, the commissioner shall cancel the student's registration and withhold future payments otherwise due.

Amended by Chapter 74, 1997 General Session

53B-6-101. Additional responsibilities of the board -- Studies and evaluations -- Master plan for higher education -- Productivity -- Institutional student assessment -- Biennial accountability report to the Legislature.

(1) The board shall conduct continuing studies and evaluations of the facilities, grounds, buildings, and equipment at the higher education institutions under its jurisdiction and use space utilization and other studies conducted by the State Building Board.

(2) The board shall establish and maintain an up-to-date master plan which shall include:

(a) providing for statewide planning of public higher education in terms of a mission, aims, purposes, and objectives of the system as a whole;

(b) establishing and defining the mission, role, and programs of each institution within the system;

(c) establishing criteria for and determination of the future needs and requirements for new programs and new institutions and the elimination, curtailment, or consolidation of existing programs and facilities;

(d) providing for the initiation and financing of projects as considered necessary to meet and satisfy the projected patterns of growth and maintenance;

(e) establishing criteria for and determination of the operating and capital budgetary needs of each institution and the system as a whole;

(f) recommending the methods and sources of future financial support of the higher education system;

(g) establishing procedures for the development of maximum utilization of existing facilities as suggested by space utilization studies conducted by the State Building Board; and

(h) securing an adequate and coordinated program for the community colleges and career and technical education programs in the institutions and departments in the state system of higher education.

(3) (a) The board may do all things necessary for the effective implementation of the statewide master plan as adopted and revised by the board from time to time.

(b) The State Board of Education and the Utah College of Applied Technology shall provide career and technical education staff assistance to the State Board of Regents in support of master planning activities related to career and technical education in higher education.

(4) (a) The board shall adopt rules and initiate programs to promote and increase productivity in the state system of higher education.

(b) The board shall require each college and university in the system to establish multiple measures of institutional and student assessment in order to improve student instruction, academic programs, and learning opportunities.

(c) The board shall submit a biennial accountability report to the Legislature, which shall include such factors as:

(i) space utilization, faculty productivity, and other similar measures of the management of institutional resources at each institution; and

(ii) student assessment at entry to each institution, at critical midway points, and at exit.

(d) The board shall establish a systemwide committee to address assessment and accountability issues and propose essential elements to be included in the biennial report.

Amended by Chapter 73, 2011 General Session

53B-6-102. Standardized systems prescribed by the board.

The board shall prescribe for all institutions under its jurisdiction standardized systems of accounts, records, and reports covering in sufficient detail the operations of the educational institutions under its control.

Enacted by Chapter 167, 1987 General Session

53B-6-103. Cooperation with nonmember institutions within the state.

As a further means of attaining a well integrated and adequate system of post-high school education in Utah, the board shall seek the cooperation of all private, denominational, and other post-high school educational institutions situated in this state which are not supported by public funds.

Enacted by Chapter 167, 1987 General Session

53B-6-104. Multi-University Consortium for Teacher Training in Sensory Impairments -- Purposes -- Appropriation.

(1) (a) In conjunction with the State Board of Regents' master plan for higher education, there is established a Multi-University Consortium for Teacher Training in Sensory Impairments which is an outgrowth of a consortium established by the federal government.

(b) The consortium shall include within its membership the University of Utah, Utah State University, Brigham Young University, the Utah Schools for the Deaf and the Blind, the Services for At-Risk Students section of the State Office of Education, and local school districts.

(2) The consortium, in collaboration with the State Board of Regents and the State Board of Education, shall develop and implement teacher preparation programs that qualify and certify instructors to work with students who are visually impaired, hearing impaired, or both visually and hearing impaired.

(3) (a) There is appropriated from the General Fund for fiscal year 1994-95, \$200,000 to the State Board of Regents to fund the consortium's teacher preparation programs referred to in Subsection (2).

(b) The appropriation is nonlapsing.

(c) The State Board of Regents shall consider including within its annual budget recommendations a line item appropriation to provide ongoing funding for the programs provided pursuant to this section.

Enacted by Chapter 295, 1994 General Session

53B-6-105. Engineering and Computer Technology Initiative.

(1) The Legislature recognizes that a significant increase in the number of engineering, computer science, and related technology graduates from the state system of higher education is required over the next several years to advance the intellectual, cultural, social, and economic well-being of the state and its citizens.

(2) (a) (i) The State Board of Regents shall therefore develop, establish, and maintain an Engineering and Computer Science Initiative within the state system of higher education to double the number of graduates in engineering, computer science, and related technology by 2006 and triple the number of graduates by 2009.

(ii) The board shall make a rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, providing the criteria for those fields of study that qualify as "related technology" under this section and Sections 53B-6-105.7 and 53B-6-105.9.

(b) The initiative shall include components that:

(i) improve the quality of instructional programs in engineering, computer science, and related technology by providing supplemental money for equipment purchases; and

(ii) provide incentives to:

(A) students through a scholarship program under Section 53B-6-105.7; and

(B) institutions to hire and retain faculty under Section 53B-6-105.9.

(3) The increase in program capacity under Subsection (2)(a) shall include funding for new and renovated capital facilities and funding for new engineering and computer science programs.

(4) The Legislature shall provide an annual appropriation to the State Board of Regents to fund the initiative.

Amended by Chapter 210, 2009 General Session

Amended by Chapter 370, 2009 General Session

53B-6-105.5. Technology Initiative Advisory Board -- Composition -- Duties.

(1) There is created a Technology Initiative Advisory Board to assist and make recommendations to the State Board of Regents in its administration of the Engineering and Computer Science Initiative established under Section 53B-6-105.

(2) (a) The advisory board shall consist of individuals appointed by the governor from business and industry who have expertise in the areas of engineering, computer science, and related technologies.

- (b) The advisory board shall select a chair and cochair.
- (c) The advisory board shall meet at the call of the chair.
- (d) The State Board of Regents, through the commissioner of higher education, shall provide staff support for the advisory board.

(3) A member of an advisory board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(4) The advisory board shall:

(a) make recommendations to the State Board of Regents on the allocation and distribution of money appropriated to fund:

- (i) the faculty incentive program established in Section 53B-6-105.9;
- (ii) equipment purchases required to improve the quality of instructional programs in engineering, computer science, and related technology; and
- (iii) the scholarship program established in Section 53B-6-105.7.

(b) prepare a strategic plan that details actions required by the State Board of Regents to meet the intent of the Engineering and Technology Science Initiative;

(c) review and assess engineering, computer science, and related technology programs currently being offered at higher education institutions and their impact on the economic prosperity of the state;

(d) provide the State Board of Regents with an assessment and reporting plan that:

(i) measures results against expectations under the initiative, including verification of the matching requirements for institutions of higher education to receive money under Section 53B-6-105.9; and

(ii) includes an analysis of market demand for technical employment, program articulation among higher education institutions in engineering, computer science, and related technology, tracking of student placement, student admission to the initiative program by region, transfer rates, and retention in and graduation rates from the initiative program; and

(e) make an annual report of its activities to the State Board of Regents.

(5) The annual report of the Technology Initiative Advisory Board shall include the summary report of the institutional matches described in Section 53B-6-105.9.

Amended by Chapter 49, 2013 General Session

53B-6-105.7. Initiative student scholarship program.

(1) (a) There is established an engineering, computer science, and related technology scholarship program as a component of the initiative created in Section 53B-6-105.

(b) The program is established to recruit, retain, and train engineering, computer science, and related technology students to assist in providing for and advancing the intellectual and economic welfare of the state.

(2) (a) The board:

(i) may make rules for the overall administration of the scholarship program in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and

(ii) shall administer the program in consultation with the Technology Initiative Advisory Board created in Section 53B-6-105.5.

(b) The board shall also use the following policies and procedures in administering the student scholarship program:

(i) students may use scholarship money at any institution within the state system of higher education that offers an engineering, computer science, or related technology degree;

(ii) scholarships shall be given to students who declare an intent to complete a prescribed course of instruction in one of the areas referred to in Subsection (2)(b)(i) and to work in the state after graduation in one of those areas; and

(iii) a scholarship may be cancelled at any time by the institution of attendance, if the student fails to make reasonable progress towards obtaining the degree or there appears to be a reasonable certainty that the student does not intend to work in the state upon graduation.

(3) (a) By June 1 of each year, the Technology Initiative Advisory Board shall recommend to the board a distribution of the scholarship funds to institutions in the state system of higher education, based on a formula.

(b) The Technology Initiative Advisory Board shall develop the formula for distribution of total scholarship funds to the institutions, which shall contain the following components:

(i) the number of graduates of engineering, computer science, and related technology degrees from the previous year;

(ii) the number and level of engineering, computer science, and related technology degrees offered at an institution; and

(iii) the length of each engineering, computer science, and related technology degree offered at an institution.

(4) The Legislature shall make an annual appropriation to the board to fund the student scholarship program created in this section.

Amended by Chapter 210, 2009 General Session

53B-6-105.9. Incentive program for engineering, computer science, and related technology faculty.

(1) The Legislature shall provide an annual appropriation to help fund the faculty incentive component of the Engineering and Computer Science Initiative established under Section 53B-6-105.

(2) The appropriation shall be used to hire, recruit, and retain outstanding faculty in engineering, computer science, and related technology fields under guidelines established by the State Board of Regents.

(3) (a) State institutions of higher education shall match the appropriation on a one-to-one basis in order to qualify for state money appropriated under Subsection (1).

(b) (i) Qualifying institutions shall annually report their matching dollars to the board.

- (ii) The board shall make a summary report of the institutional matches.
- (iii) The annual report of the Technology Initiative Advisory Board required by Section 53B-6-105.5 shall include the summary report of the institutional matches.
- (4) The board shall make a rule in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing policies and procedures to apply for and distribute the state appropriation to qualifying institutions.

Amended by Chapter 382, 2008 General Session

53B-6-106. Jobs Now and Economic Development Initiatives.

- (1) (a) The Utah College of Applied Technology shall develop, establish, and maintain a Jobs Now Initiative, to promote workforce preparation programs that meet critical needs and shortages throughout the state.
- (b) The State Board of Regents shall develop, establish, and maintain economic development initiatives within the system of higher education.
- (2) The initiatives specified in Subsection (1) shall provide support for technical training expansion that trains skilled potential employees within a period not to exceed 12 months for technical jobs in critical needs occupations and other innovative economic development policy initiatives.
- (3) (a) Subject to future budget constraints, the Legislature shall provide an annual appropriation to the Utah College of Applied Technology to fund the Jobs Now Initiative established in Subsection (1)(a).
- (b) (i) The Utah College of Applied Technology Board of Trustees shall allocate the appropriation for the Jobs Now Initiative to college campuses within the college.
- (ii) A college campus shall use money received under Subsection (3)(b)(i) for technical training expansion referred to in Subsection (2).
- (c) Subject to future budget constraints, the Legislature shall provide an annual appropriation to the State Board of Regents to fund economic development initiatives established pursuant Subsection (1)(b).
- (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:
 - (i) the Utah College of Applied Technology Board of Trustees shall make rules to implement the Jobs Now Initiative; and
 - (ii) the board shall make rules to implement economic development initiatives.

Amended by Chapter 370, 2009 General Session

53B-7-101. Combined requests for appropriations -- Board review of operating budgets -- Submission of budgets -- Recommendations -- Hearing request -- Appropriation formulas -- Allocations -- Dedicated credits -- Financial affairs.

- (1) (a) The board shall recommend a combined appropriation for the operating budgets of higher education institutions for inclusion in a state appropriations act.
- (b) The board's combined budget recommendation shall include:
 - (i) employee compensation;
 - (ii) mandatory costs, including building operations and maintenance, fuel, and

power;

- (iii) mission based funding described in Subsection (2);
- (iv) statewide and institutional priorities, including scholarships, financial aid, and technology infrastructure; and
- (v) unfunded historic growth.

(c) The board's recommendations shall be available for presentation to the governor and to the Legislature at least 30 days prior to the convening of the Legislature, and shall include schedules showing the recommended amounts for each institution, including separately funded programs or divisions.

(d) The recommended appropriations shall be determined by the board only after it has reviewed the proposed institutional operating budgets, and has consulted with the various institutions and board staff in order to make appropriate adjustments.

(2) (a) The board shall establish mission based funding.

(b) Mission based funding shall include:

- (i) enrollment growth; and
- (ii) up to three strategic priorities.

(c) The strategic priorities described in Subsection (2)(b)(ii) shall be:

- (i) approved by the board; and
- (ii) designed to improve the availability, effectiveness, or quality of higher education in the state.

(d) When recommending an allocation of mission based funding to a doctorate-granting university, as defined by the board, or Southern Utah University, the board shall place greater emphasis on the university's fulfillment of the strategic priorities described in Subsection (2)(b)(ii).

(e) Notwithstanding Subsection (2)(d), the board may allocate funding for a modest amount of growth to doctorate-granting institutions and Southern Utah University.

(f) Concurrent with recommending mission based funding, the board shall also recommend to the Legislature ways to address funding any inequities for institutions as compared to institutions with similar missions.

(3) (a) Institutional operating budgets shall be submitted to the board at least 90 days prior to the convening of the Legislature in accordance with procedures established by the board.

(b) Funding requests pertaining to capital facilities and land purchases shall be submitted in accordance with procedures prescribed by the State Building Board.

(4) (a) The budget recommendations of the board shall be accompanied by full explanations and supporting data.

(b) The appropriations recommended by the board shall be made with the dual objective of:

(i) justifying for higher educational institutions appropriations consistent with their needs, and consistent with the financial ability of the state; and

(ii) determining an equitable distribution of funds among the respective institutions in accordance with the aims and objectives of the statewide master plan for higher education.

(5) (a) The board shall request a hearing with the governor on the recommended appropriations.

(b) After the governor delivers his budget message to the Legislature, the board shall request hearings on the recommended appropriations with the appropriate committees of the Legislature.

(c) If either the total amount of the state appropriations or its allocation among the institutions as proposed by the Legislature or its committees is substantially different from the recommendations of the board, the board may request further hearings with the Legislature or its appropriate committees to reconsider both the total amount and the allocation.

(6) The board may devise, establish, periodically review, and revise formulas for its use and for the use of the governor and the committees of the Legislature in making appropriation recommendations.

(7) (a) The board shall recommend to each session of the Legislature the minimum tuitions, resident and nonresident, for each institution which it considers necessary to implement the budget recommendations.

(b) The board may fix the tuition, fees, and charges for each institution at levels it finds necessary to meet budget requirements.

(8) (a) Money allocated to each institution by legislative appropriation may be budgeted in accordance with institutional work programs approved by the board, provided that the expenditures funded by appropriations for each institution are kept within the appropriations for the applicable period.

(b) A president shall:

(i) establish initiatives for the president's institution each year that are:

(A) aligned with the strategic priorities described in Subsection (2); and

(B) consistent with the institution's mission and role; and

(ii) allocate the institution's mission based funding to the initiatives.

(9) The dedicated credits, including revenues derived from tuitions, fees, federal grants, and proceeds from sales received by the institutions are appropriated to the respective institutions and used in accordance with institutional work programs.

(10) Each institution may do its own purchasing, issue its own payrolls, and handle its own financial affairs under the general supervision of the board.

(11) (a) If the Legislature appropriates money in accordance with this section, it shall be distributed to the State Board of Regents and higher education institutions to fund the items described in Subsection (1)(b).

(b) During each general session of the Legislature following a fiscal year in which the Legislature provides an appropriation for mission based funding, the board and institutions shall report to the Legislature's Higher Education Appropriations Subcommittee on the use of the previous year's mission based funding, including performance outcomes relating to the strategic initiatives approved by the board.

Amended by Chapter 73, 2011 General Session

53B-7-101.5. Proposed tuition increases -- Notice -- Hearings.

(1) If an institution within the State System of Higher Education listed in Section 53B-1-102 considers increasing tuition rates for undergraduate students in the process of preparing or implementing its budget, it shall hold a meeting to receive public input and response on the issue.

(2) The institution shall advertise the hearing required under Subsection (1) using the following procedure:

(a) The institution shall advertise its intent to consider an increase in student tuition rates:

(i) in the institution's student newspaper twice during a period of 10 days prior to the meeting; and

(ii) on the Utah Public Notice Website created in Section 63F-1-701, for 10 days immediately before the meeting.

(b) The advertisement shall state that the institution will meet on a certain day, time, and place fixed in the advertisement, which shall not be less than seven days after the day the second advertisement is published, for the purpose of hearing comments regarding the proposed increase and to explain the reasons for the proposed increase.

(3) The form and content of the notice shall be substantially as follows:

"NOTICE OF PROPOSED TUITION INCREASE

The (name of the higher education institution) is proposing to increase student tuition rates. This would be an increase of _____ %, which is an increase of \$_____ per semester for a full-time resident undergraduate student. All concerned students and citizens are invited to a public hearing on the proposed increase to be held at (meeting place) on (date) at (time)."

(4) (a) The institution shall provide the following information to those in attendance at the meeting required under Subsection (1):

(i) the current year's student enrollment for:

(A) the State System of Higher Education, if a systemwide increase is being considered; or

(B) the institution, if an increase is being considered for just a single institution;

(ii) total tuition revenues for the current school year;

(iii) projected student enrollment growth for the next school year and projected tuition revenue increases from that anticipated growth; and

(iv) a detailed accounting of how and where the increased tuition revenues would be spent.

(b) The enrollment and revenue data required under Subsection (4)(a) shall be broken down into majors or departments if the proposed tuition increases are department or major specific.

(5) If the institution does not make a final decision on the proposed tuition increase at the meeting, it shall announce the date, time, and place of the meeting where that determination shall be made.

Amended by Chapter 90, 2010 General Session

53B-7-102. Fiscal year.

The fiscal year for each institution and for the board begins on July 1 and ends on June 30 in each year.

Enacted by Chapter 167, 1987 General Session

53B-7-103. Board designated state educational agent for federal contracts and aid -- Individual research grants -- Powers of institutions or foundations under authorized programs.

(1) The board is the designated state educational agency authorized to negotiate and contract with the federal government and to accept financial or other assistance from the federal government or any of its agencies in the name of and in behalf of the state of Utah, under terms and conditions as may be prescribed by congressional enactment designed to further higher education. Nothing in this chapter alters or limits the authority of the State Building Board to act as the designated state agency to administer programs in behalf of and accept funds from federal, state, and other sources, for capital facilities for the benefit of higher education.

(2) Subject to policies and procedures established by the board, the institutions and their individual employees may apply for and receive grants or research and development contracts within the educational role of the recipient institution. These authorized programs may be conducted by and through the institution, or by and through any foundation or organization which is established for the purpose of assisting the institution in the accomplishment of its purposes.

(3) An institution or its foundation or organization engaged in a program authorized by the board may do the following:

(a) enter into contracts with federal, state, or local governments or their agencies or departments, with private organizations, companies, firms, or industries, or with individuals for conducting the authorized programs;

(b) subject to the approval of the controlling state agency, conduct authorized programs within any of the penal, corrective, or custodial institutions of this state and engage the voluntary participation of inmates in those programs;

(c) accept contributions, grants, or gifts from, and enter into contracts and cooperative agreements with, any private organization, company, firm, industry, or individual, or any governmental agency or department, for support of authorized programs within the educational role of the recipient institution, and may agree to provide matching funds with respect to those programs from resources available to it; and

(d) retain, accumulate, invest, commit, and expend the funds and proceeds from programs funded under Subsection (3)(c), including the acquisition of real and personal property reasonably required for their accomplishment. No portion of the funds and proceeds may be diverted from or used for purposes other than those authorized or undertaken under Subsection (3)(c), or shall ever become a charge upon or obligation of the state of Utah or the general funds appropriated for the normal operations of the institution unless otherwise permitted by law.

(4) All contracts and research or development grants or contracts requiring the use or commitment of facilities, equipment, or personnel under the control of an institution are subject to the approval of the board.

Enacted by Chapter 167, 1987 General Session

53B-7-103.5. Uses of revenue for athletic gender equity.

Beginning on July 1, 1998, a state institution of higher education shall annually

use for the purposes described in Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681 et seq., an amount of revenue equal to the total amount of sales and use tax revenue collected under Title 59, Chapter 12, Sales and Use Tax Act:

(1) during the one-year period beginning on July 1, 1997, and ending on June 30, 1998; and

(2) on amounts paid for admission to athletic events at the institution of higher education.

Enacted by Chapter 318, 1998 General Session

53B-7-104. Retention of net reimbursed overhead revenues.

(1) For fiscal year 1990-91 and for each succeeding year, all budget documents for the system of higher education shall reflect retention by the institutions within the system of their net reimbursed overhead revenues for support of research and related programs under policies established by the State Board of Regents. These overhead revenues may not be considered a dedicated credit.

(2) The board, in conjunction with institutions within the system, shall provide the Legislature, through the Office of Legislative Fiscal Analyst, with a complete accounting of the net reimbursed overhead revenues on an annual basis. This accounting shall include actual expenditures for the prior fiscal year, budgeted expenditures for the current fiscal year, and planned expenditures for the following fiscal year.

Amended by Chapter 277, 1989 General Session

53B-7-105. Higher education cost disclosure.

(1) Each institution within the state system of higher education shall, at the time of registration, plainly disclose to all of its undergraduate resident students the following amounts, in dollar figures for a full-time equivalent student:

- (a) the full cost of instruction;
- (b) the amount collected from student tuition and fees; and
- (c) the difference between the amounts described under Subsections (1)(a) and (b).

(2) The disclosure under Subsection (1)(c) shall also clearly indicate that this balance was paid by state tax dollars and other money.

Enacted by Chapter 116, 2004 General Session

53B-7-501. Purpose.

(1) The Legislature recognizes that community colleges and established branch campuses and centers throughout the state have a special mission to provide comprehensive higher education opportunities for financially needy students, at geographically disbursed locations and at favorable tuition rates.

(2) The Legislature further recognizes that tuition and general fee costs to students at Utah community colleges and established branch campuses and centers represent significant challenges for many of the students they serve, and that additional scholarship money for financially needy students attending those institutions is needed

to ensure financial access to higher education.

(3) It is the purpose of this part to establish a program of matching grants as an incentive for institutions to raise money for scholarships at community colleges, branch campuses, and centers.

Enacted by Chapter 103, 1998 General Session

53B-7-601. Foreign bank accounts for higher education purposes.

(1) As used in this section, "foreign depository institution" is as defined in Section 7-1-103.

(2) In accordance with Subsection 51-7-4(1)(b)(iii), a higher education institution may deposit funds in a foreign depository institution for purposes of conducting academic, research, or clinical activities in the foreign country, if the:

(a) laws of the foreign country require the money to be deposited in the foreign country; or

(b) terms of a grant, gift, or contract require the funds to be deposited in the foreign country.

(3) The foreign depository institution in which funds are deposited under this section shall meet the requirements of rules made by the State Money Management Council under Section 51-7-18.

Enacted by Chapter 388, 2013 General Session

53B-8-101. Waiver of tuition.

(1) (a) The president of each institution may waive all or part of the tuition in behalf of meritorious or impecunious resident students to an amount not exceeding 10% of the total amount of tuition which, in the absence of the waivers, would have been collected from all Utah resident students at the institution.

(b) Two and a half percent of the waivers designated in Subsection (1)(a) shall be set aside for members of the Utah National Guard. Waivers shall be preserved by the student at least 60 days before the beginning of an academic term.

(2) (a) A president of an institution of higher education listed in Subsections 53B-2-101(1)(a) through (h) may waive all or part of the nonresident portion of tuition for a meritorious nonresident undergraduate student.

(b) In determining which students are meritorious for purposes of granting a tuition waiver under Subsection (2)(a), a president shall consider students who are performing above the average at the institution, including having an admissions index higher than the average for the institution, if an admissions index is used.

(c) A president may continue to waive the nonresident portion of tuition for a student described in Subsection (2)(a) for as long as the student is enrolled at the institution.

(d) In addition to waiving the nonresident portion of tuition for a meritorious nonresident student under Subsection (2)(a), a president may waive the resident portion of tuition after the meritorious nonresident student completes a year of full-time study at the institution.

(3) Upon recommendation of the board, a president shall grant additional full or

partial tuition waivers to encourage students to enroll for instruction in occupations critical to the state for which trained personnel are in short supply.

(4) A president may waive all or part of the difference between resident and nonresident tuition in the case of:

- (a) meritorious graduate students; or
- (b) nonresident summer school students.

(5) The board shall submit annual budget appropriation requests for each institution, which include requests for funds sufficient in amount to equal the estimated loss of dedicated credits that would be realized if all of the tuition waivers authorized by Subsection (2) were granted.

Amended by Chapter 10, 2013 General Session

Amended by Chapter 23, 2013 General Session

Amended by Chapter 465, 2013 General Session

53B-8-102. Definitions -- Resident student status -- Exceptions.

(1) As used in this section:

(a) "Immediate family member" means an individual's spouse or child.

(b) "Military servicemember" means:

(i) an individual who is serving on active duty in the United States Armed Forces within the state of Utah;

(ii) an individual who is a member of a reserve component of the United States Armed Forces assigned in Utah; or

(iii) an individual who is a member of the Utah National Guard.

(c) "Military veteran" means an individual who:

(i) has served on active duty:

(A) in the United States Armed Forces for at least 180 consecutive days or was a member of a reserve component and has been separated or retired with an honorable or general discharge; or

(B) in the National Guard and has been separated or retired with an honorable or general discharge; or

(ii) incurred an actual service-related injury or disability in the line of duty regardless of whether that person completed 180 days of active duty.

(d) "Parent" means a student's biological or adoptive parent.

(2) The meaning of "resident student" is determined by reference to the general law on the subject of domicile, except as provided in this section.

(3) (a) Institutions within the state system of higher education may grant resident student status to any student who has come to Utah and established residency for the purpose of attending an institution of higher education, and who, prior to registration as a resident student:

(i) has maintained continuous Utah residency status for one full year;

(ii) has signed a written declaration that the student has relinquished residency in any other state; and

(iii) has submitted objective evidence that the student has taken overt steps to establish permanent residency in Utah and that the student does not maintain a residence elsewhere.

(b) Evidence to satisfy the requirements under Subsection (3)(a)(iii) includes:

- (i) a Utah high school transcript issued in the past year confirming attendance at a Utah high school in the past 12 months;
- (ii) a Utah voter registration dated a reasonable period prior to application;
- (iii) a Utah driver license or identification card with an original date of issue or a renewal date several months prior to application;
- (iv) a Utah vehicle registration dated a reasonable period prior to application;
- (v) evidence of employment in Utah for a reasonable period prior to application;
- (vi) proof of payment of Utah resident income taxes for the previous year;
- (vii) a rental agreement showing the student's name and Utah address for at least 12 months prior to application; and
- (viii) utility bills showing the student's name and Utah address for at least 12 months prior to application.

(c) A student who is claimed as a dependent on the tax returns of a person who is not a resident of Utah is not eligible to apply for resident student status.

(4) Except as provided in Subsection (8), an institution within the state system of higher education may establish stricter criteria for determining resident student status.

(5) If an institution does not have a minimum credit-hour requirement, that institution shall honor the decision of another institution within the state system of higher education to grant a student resident student status, unless:

- (a) the student obtained resident student status under false pretenses; or
- (b) the facts existing at the time of the granting of resident student status have changed.

(6) Within the limits established in Title 53B, Chapter 8, Tuition Waiver and Scholarships, each institution within the state system of higher education may, regardless of its policy on obtaining resident student status, waive nonresident tuition either in whole or in part, but not other fees.

(7) In addition to the waivers of nonresident tuition under Subsection (6), each institution may, as athletic scholarships, grant full waiver of fees and nonresident tuition, up to the maximum number allowed by the appropriate athletic conference as recommended by the president of each institution.

(8) Notwithstanding Subsection (3), an institution within the state system of higher education shall grant resident student status for tuition purposes to:

- (a) a military servicemember, if the military servicemember provides:
 - (i) the military servicemember's current United States military identification card; and
 - (ii) a statement from the military servicemember's current commander, or equivalent, stating that the military servicemember is assigned in Utah;
- (b) a military servicemember's immediate family member, if the military servicemember's immediate family member provides:
 - (i) one of the following:
 - (A) the military servicemember's current United States military identification card; or
 - (B) the immediate family member's current United States military identification card; and
 - (ii) a statement from the military servicemember's current commander, or

equivalent, stating that the military servicemember is assigned in Utah;

(c) a military veteran, regardless of whether the military veteran served in Utah, if the military veteran provides:

- (i) evidence of an honorable or general discharge;
- (ii) a signed written declaration that the military veteran has relinquished residency in any other state and does not maintain a residence elsewhere;
- (iii) objective evidence that the military veteran has taken overt steps to relinquish residency in any other state and establish residency in Utah, which may include any one of the following:

- (A) a Utah voter registration card;
- (B) a Utah driver license or identification card;
- (C) a Utah vehicle registration;
- (D) evidence of employment in Utah;
- (E) a rental agreement showing the military veteran's name and Utah address;

or

- (F) utility bills showing the military veteran's name and Utah address; and
- (d) a military veteran's immediate family member, regardless of whether the military veteran served in Utah, if the military veteran's immediate family member provides:

(i) evidence of the military veteran's honorable or general discharge within the last five years;

(ii) a signed written declaration that the military veteran's immediate family member has relinquished residency in any other state and does not maintain a residence elsewhere; and

(iii) objective evidence that the military veteran's immediate family member has taken overt steps to relinquish residency in any other state and establish residency in Utah, which may include any one of the items described in Subsection (8)(c)(iii).

(9) (a) Aliens who are present in the United States on visitor, student, or other visas which authorize only temporary presence in this country, do not have the capacity to intend to reside in Utah for an indefinite period and therefore are classified as nonresidents.

(b) Aliens who have been granted immigrant or permanent resident status in the United States are classified for purposes of resident student status according to the same criteria applicable to citizens.

(10) Any American Indian who is enrolled on the tribal rolls of a tribe whose reservation or trust lands lie partly or wholly within Utah or whose border is at any point contiguous with the border of Utah, and any American Indian who is a member of a federally recognized or known Utah tribe and who has graduated from a high school in Utah, is entitled to resident student status.

(11) A Job Corps student is entitled to resident student status if the student:

(a) is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate; and

(b) submits verification that the student is a current Job Corps student.

(12) A person is entitled to resident student status and may immediately apply for resident student status if the person:

(a) marries a Utah resident eligible to be a resident student under this section;

and

(b) establishes his or her domicile in Utah as demonstrated by objective evidence as provided in Subsection (3).

(13) Notwithstanding Subsection (3)(c), a dependent student who has at least one parent who has been domiciled in Utah for at least 12 months prior to the student's application is entitled to resident student status.

(14) (a) A person who has established domicile in Utah for full-time permanent employment may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on an employer requested transfer to Utah, recruitment by a Utah employer, or a comparable work-related move for full-time permanent employment in Utah.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

- (i) the person's employment and educational history;
- (ii) the dates when Utah employment was first considered, offered, and accepted;
- (iii) when the person moved to Utah;
- (iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;
- (v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;
- (vi) evidence that the person is an independent person who is:
 - (A) at least 24 years of age; or
 - (B) not claimed as a dependent on someone else's tax returns; and
- (vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(15) (a) A person who is in residence in Utah to participate in a United States Olympic athlete training program, at a facility in Utah, approved by the governing body for the athlete's Olympic sport, shall be entitled to resident status for tuition purposes.

(b) Upon the termination of the athlete's participation in the training program, the athlete shall be subject to the same residency standards applicable to other persons under this section.

(c) Time spent domiciled in Utah during the Olympic athlete training program in Utah counts for Utah residency for tuition purposes upon termination of the athlete's participation in a Utah Olympic athlete training program.

(16) (a) A person who has established domicile in Utah for reasons related to divorce, the death of a spouse, or long-term health care responsibilities for an immediate family member, including the person's spouse, parent, sibling, or child, may rebut the presumption of a nonresident classification by providing substantial evidence that the reason for the individual's move to Utah was, in good faith, based on the long-term health care responsibilities.

(b) All relevant evidence concerning the motivation for the move shall be considered, including:

- (i) the person's employment and educational history;
- (ii) the dates when the long-term health care responsibilities in Utah were first

considered, offered, and accepted;

(iii) when the person moved to Utah;

(iv) the dates when the person applied for admission, was admitted, and was enrolled as a postsecondary student;

(v) whether the person applied for admission to an institution of higher education sooner than four months from the date of moving to Utah;

(vi) evidence that the person is an independent person who is:

(A) at least 24 years of age; or

(B) not claimed as a dependent on someone else's tax returns; and

(vii) any other factors related to abandonment of a former domicile and establishment of a new domicile in Utah for purposes other than to attend an institution of higher education.

(17) The board, after consultation with the institutions, shall make rules not inconsistent with this section:

(a) concerning the definition of resident and nonresident students;

(b) establishing procedures for classifying and reclassifying students;

(c) establishing criteria for determining and judging claims of residency or domicile;

(d) establishing appeals procedures; and

(e) other matters related to this section.

(18) A student shall be exempt from paying the nonresident portion of total tuition if the student:

(a) is a foreign national legally admitted to the United States;

(b) attended high school in this state for three or more years; and

(c) graduated from a high school in this state or received the equivalent of a high school diploma in this state.

Amended by Chapter 216, 2014 General Session

53B-8-103. Waiver of nonresident differential in tuition rates -- Dixie State University good neighbor tuition waivers.

(1) Notwithstanding any other provision of law:

(a) (i) The board may determine when to grant a full or partial waiver of the nonresident differential in tuition rates charged to undergraduate students pursuant to reciprocal agreements with other states.

(ii) In making the determination described under Subsection (1)(a)(i), the board shall consider the potential of the waiver to:

(A) enhance educational opportunities for Utah residents;

(B) promote mutually beneficial cooperation and development of Utah communities and nearby communities in neighboring states;

(C) contribute to the quality of educational programs; and

(D) assist in maintaining the cost effectiveness of auxiliary operations in Utah institutions of higher education.

(b) (i) Consistent with its determinations made pursuant to Subsection (1)(a), the board may enter into agreements with other states to provide for a full or partial reciprocal waiver of the nonresident tuition differential charged to undergraduate

students.

(ii) An agreement shall provide for the numbers and identifying criteria of undergraduate students, and shall specify the institutions of higher education that will be affected by the agreement.

(c) The board shall establish policy guidelines for the administration by the affected Utah institutions of any tuition waivers authorized under this section, for evaluating applicants for such waivers, and for reporting the results of the reciprocal waiver programs authorized by this section.

(d) A report and financial analysis of any waivers of tuition authorized under this section shall be submitted annually to the general session of the Legislature as part of the budget recommendations of the board for the system of higher education.

(2) (a) Dixie State University may offer a good neighbor full waiver of the nonresident differential in tuition rates charged to undergraduate students:

(i) pursuant to reciprocal agreements with other states; or

(ii) to a resident of a county that has a portion of the county located within 70 miles of the main campus of Dixie State University.

(b) (i) A student who attends Dixie State University under a good neighbor tuition waiver shall pay a surcharge per credit hour in addition to the regular resident tuition and fees of Dixie State University.

(ii) The surcharge per credit hour shall be based on a percentage of the approved resident tuition per credit hour each academic year.

(iii) The percentage assessed as a surcharge per credit hour shall be set by the State Board of Regents.

(c) Dixie State University may restrict the number of good neighbor tuition waivers awarded.

(d) A student who attends Dixie State University on a good neighbor tuition waiver may not count the time during which the waiver is received towards establishing resident student status in Utah.

Amended by Chapter 10, 2013 General Session

Amended by Chapter 23, 2013 General Session

53B-8-103.5. Alumni legacy nonresident scholarships.

(1) In addition to other nonresident tuition scholarships, the president of an institution may also waive an amount up to the full nonresident portion of tuition for alumni legacy nonresident scholarships.

(2) The purposes of alumni legacy nonresident scholarships are to:

(a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in institutions of higher education;

(b) promote enrollment of nonresident students with high academic aptitudes; and

(c) recognize the legacy of past graduates and promote a continued connection to their alma mater.

(3) To qualify for an alumni legacy scholarship, a student shall:

(a) enroll at an institution within the state system of higher education for the first time; and

(b) have at least one parent or grandparent who graduated with an associate's degree or higher from the same institution in which the student is enrolling.

(4) A student who attends an institution within the state system of higher education on an alumni legacy nonresident scholarship may not count the time during which the scholarship is received towards establishing resident student status in Utah.

Amended by Chapter 23, 2013 General Session

53B-8-104. Nonresident partial tuition scholarships.

(1) The board may grant a scholarship for partial waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident undergraduate students, subject to the limitations provided in this section, if the board determines that the scholarship will:

(a) promote mutually beneficial cooperation between Utah communities and nearby communities in states adjacent to Utah;

(b) contribute to the quality and desirable cultural diversity of educational programs in Utah institutions;

(c) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in Utah institutions of higher education; and

(d) promote enrollment of nonresident students with high academic aptitudes.

(2) The board shall establish policy guidelines for the administration by institutions of higher education of any partial tuition scholarships authorized under this section, for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized by this section.

(3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:

(a) the amount of the approved scholarship may not be more than 1/2 of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;

(b) a nonresident partial tuition scholarship may be awarded initially only to a nonresident undergraduate student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours, whose legal domicile is within approximately 100 highway miles of the Utah system of higher education institution at which the recipient wishes to enroll or such distance that the regents may establish for any institution;

(c) the total number of nonresident partial tuition scholarships granted may not exceed a total of 600 such scholarships in effect at any one time; and

(d) the board shall determine eligibility for nonresident partial tuition scholarships on the basis of program availability at an institution and on a competitive basis, using quantifiable measurements such as grade point averages and results of test scores.

(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident partial tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the system of higher education.

Amended by Chapter 363, 2009 General Session

53B-8-104.5. Nonresident tuition scholarships.

(1) In addition to the scholarships authorized under Section 53B-8-104, the board may grant scholarships for a waiver of the nonresident portion of total tuition charged by public institutions of higher education to nonresident students, subject to the limitations provided in this section, if the board determines that the scholarships will:

- (a) assist in maintaining an adequate level of service and related cost-effectiveness of auxiliary operations in Utah institutions of higher education;
- (b) promote enrollment of nonresident students with high academic aptitudes;
- and
- (c) provide for an effective transition to meet the requirements of Section 53B-8-102.

(2) The board shall establish policy guidelines for the administration by institutions of higher education of scholarships authorized under Subsection (1), for evaluating applicants for those scholarships, and for reporting the results of the scholarship program authorized under Subsection (1).

(3) The policy guidelines promulgated by the board under Subsection (2) shall include the following provisions:

- (a) a maximum of 675 of the approved scholarships may be up to 100% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
- (b) 225 of the approved scholarships may not be at a level of more than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction;
- (c) a nonresident scholarship may be awarded initially only to a nonresident student who has not previously been enrolled in a college or university in Utah and who has enrolled full time for 10 or more credit hours;
- (d) the total number of nonresident scholarships granted under Subsection (1) may not exceed a total of 900 such scholarships in effect at any one time;
- (e) the board shall determine eligibility for nonresident scholarships on the basis of program availability at an institution and appropriate academic credentials, using quantifiable measurements such as grade point averages and results of test scores;
- and

(f) a nonresident student who receives a scholarship of greater than 50% of the differential tuition charged to nonresident students for an equal number of credit hours of instruction may not be counted against the funded target for the institution attended.

(4) The board shall submit an annual report and financial analysis of the effects of offering nonresident tuition scholarships authorized under this section to the Legislature as part of its budget recommendations for the system of higher education.

(5) This section applies to tuition scholarships and not the individual admission standards of higher education.

Amended by Chapter 272, 2006 General Session

53B-8-105. New Century scholarships -- High school requirements.

(1) As used in this section, "complete the requirements for an associate degree" means that a student:

(a) (i) completes all the required courses for an associate degree from a higher education institution within the state system of higher education that offers associate degrees; and

(ii) applies for the associate degree from the institution; or

(b) completes equivalent requirements described in Subsection (1)(a)(i) from a higher education institution within the state system of higher education that offers baccalaureate degrees but does not offer associate degrees.

(2) (a) The board shall award New Century scholarships.

(b) The board shall develop and approve the math and science curriculum described under Subsection (3)(a)(ii).

(3) (a) In order to qualify for a New Century scholarship, a student in Utah schools shall complete the requirements for an:

(i) associate degree; or

(ii) approved math and science curriculum.

(b) The requirements under Subsection (3)(a) shall be completed:

(i) (A) for a student whose class graduates from high school in 2010 or before, by September 1 of the year the student's class graduates from high school; or

(B) for a student whose class graduates from high school in 2011 or after, by the day on which the student's class graduates from high school; and

(ii) with at least a 3.0 grade point average.

(c) In addition to the requirements in Subsection (3)(a), a student in Utah schools whose class graduates from high school in 2011 or after shall:

(i) complete the high school graduation requirements of:

(A) a public high school established by the State Board of Education and the student's school district or charter school; or

(B) a private high school in the state that is accredited by a regional accrediting body approved by the board; and

(ii) complete high school with at least a 3.5 cumulative high school grade point average.

(4) Notwithstanding Subsection (3), for a student who does not receive a high school grade point average, the student shall:

(a) complete the requirements for an associate degree:

(i) (A) for a student who completes high school in 2010 or before, by September 1 of the year the student completes high school; or

(B) for a student who completes high school in 2011 or after, by June 15 of the year the student completes high school; and

(ii) with at least a 3.0 grade point average; and

(b) score a composite ACT score of 26 or higher.

(5) To be eligible for the scholarship, a student:

(a) shall submit an application to the board with:

(i) an official college transcript showing college courses the student has completed to complete the requirements for an associate degree; and

(ii) (A) if applicable, an official high school transcript; or

(B) if applicable, a copy of the student's ACT scores;

(b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;

(c) may not have a criminal record, with the exception of a misdemeanor traffic citation; and

(d) if applicable, shall meet the application deadlines as established by the board under Subsection (10).

(6) (a) The scholarship may be used at a:

(i) higher education institution within the state system of higher education that offers baccalaureate programs; or

(ii) private, nonprofit college or university in the state accredited by the Northwest Association of Schools and Colleges that offers baccalaureate programs.

(b) For a student whose class graduates from high school in 2010 and who completes the requirements under Subsection (3)(a) by September 1, 2010:

(i) if used at an institution described in Subsection (6)(a)(i), the value of the scholarship is up to 75% of the tuition costs at the selected institution; or

(ii) if used at an institution described in Subsection (6)(a)(ii), the value of the scholarship is up to 75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions referred in Subsection (6)(a)(i).

(c) (i) For a student whose class graduates in 2011 or after and who completes the requirements under this section, the total value of the scholarship is up to \$5,000, allocated over a time period described in Subsection (6)(d), as prescribed by the board.

(ii) The board may increase the scholarship amount described in Subsection (6)(c)(i) by an amount not to exceed the average percentage tuition increase approved by the board for institutions in the state system of higher education.

(d) The scholarship is valid for the shortest of the following time periods:

(i) two years of full-time equivalent enrollment;

(ii) 60 credit hours; or

(iii) until the student meets the requirements for a baccalaureate degree.

(e) (i) A scholarship holder shall enroll full-time at a higher education institution by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

(ii) The board may grant a deferral or leave of absence to a scholarship holder, but the student may only receive scholarship money within five years of the student's high school graduation date.

(7) (a) The board may cancel a New Century scholarship at any time if the student fails to:

(i) register as a full-time student;

(ii) maintain at least a 3.0 grade point average for two consecutive semesters; or

(iii) make reasonable progress towards the completion of a baccalaureate degree.

(b) Beginning July 1, 2013, the board may cancel a New Century scholarship at any time if the student fails to:

(i) register for at least 15 credit hours per semester;

(ii) maintain a 3.3 grade point average for two consecutive semesters; or

(iii) make reasonable progress towards the completion of a baccalaureate degree.

(8) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the General Fund to the board for the costs associated with

the New Century Scholarship Program authorized under this section.

(b) It is understood that the appropriation is offset in part by the state money that would otherwise be required and appropriated for these students if they were enrolled in a four-year postsecondary program at a state-operated institution.

(c) Notwithstanding Subsections (2)(a) and (6), if the appropriation under Subsection (8)(a) is insufficient to cover the costs associated with the New Century Scholarship Program, the board may reduce the scholarship amount.

(9) (a) The board shall adopt policies establishing an application process and an appeal process for a New Century scholarship.

(b) The board shall disclose on all applications and related materials that the amount of the scholarship is subject to funding and may be reduced, in accordance with Subsection (8)(c).

(c) The board shall require an applicant for a New Century scholarship to certify under penalty of perjury that:

(i) the applicant is a United States citizen; or

(ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(d) The certification under this Subsection (9) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(10) The board may set deadlines for receiving New Century scholarship applications and supporting documentation.

(11) A student may not receive both a New Century scholarship and a Regents' scholarship established in Section 53B-8-108.

Amended by Chapter 64, 2013 General Session

53B-8-106. Resident tuition -- Requirements -- Rules.

(1) If allowed under federal law, a student, other than a nonimmigrant alien within the meaning of paragraph (15) of subsection (a) of Section 1101 of Title 8 of the United States Code, shall be exempt from paying the nonresident portion of total tuition if the student:

(a) attended high school in this state for three or more years;

(b) graduated from a high school in this state or received the equivalent of a high school diploma in this state; and

(c) registers as an entering student at an institution of higher education not earlier than the fall of the 2002-03 academic year.

(2) In addition to the requirements under Subsection (1), a student without lawful immigration status shall file an affidavit with the institution of higher education stating that the student has filed an application to legalize his immigration status, or will file an application as soon as he is eligible to do so.

(3) The State Board of Regents shall make rules for the implementation of this section.

(4) Nothing in this section limits the ability of institutions of higher education to assess nonresident tuition on students who do not meet the requirements under this section.

Enacted by Chapter 230, 2002 General Session

53B-8-107. Military member surviving dependents -- Tuition waiver.

(1) As used in this section, "qualifying deceased military member" means a person:

(a) who:

(i) is killed while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; or
(ii) dies of wounds or injuries received while serving on state or federal active duty, under orders of competent authority and not as a result of the member's own misconduct; and

(b) who:

(i) is a member of the armed forces of the United States and a Utah resident;
(ii) is a member of the reserve component of the armed forces on or after September 11, 2001, and a Utah resident; or
(iii) is a member of the Utah National Guard on or after September 11, 2001.

(2) This section shall be known as the Scott B. Lundell Military Survivors' tuition waiver.

(3) A state institution of higher education shall waive undergraduate tuition for a dependent of a qualifying deceased military member under the following conditions:

(a) the dependent has been accepted by the institution in accordance with the institution's admissions guidelines;

(b) except as provided in Subsection (4), the dependent is a resident student as determined under Section 53B-8-102;

(c) the dependent may not have already completed a course of studies leading to an undergraduate degree;

(d) the dependent may only utilize the waiver for courses that are applicable toward the degree or certificate requirements of the program in which the dependent is enrolled; and

(e) the dependent may not be excluded from the waiver if the dependent has previously taken courses at or has been awarded credit by a state institution of higher education.

(4) Notwithstanding Subsection (3)(b), a dependent of a qualifying deceased military member that was a member of the Utah National Guard is not required to be a resident student as determined under Section 53B-8-102.

(5) The tuition waiver in this section is applicable for undergraduate study only.

(6) The Department of Veterans' and Military Affairs, after consultation with the adjutant general if necessary, shall certify to the institution that the dependent is a surviving dependent eligible for the tuition waiver in accordance with this section.

(7) The waiver in this section does not apply to fees, books, or housing expenses.

(8) The State Board of Regents may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 214, 2013 General Session

53B-8-108. Regents' Scholarship Program -- General provisions -- Board policies.

(1) The Regents' Scholarship Program is created to award merit scholarships to students who complete a rigorous core course of study in high school.

(2) (a) A student who is awarded the Base Regents' scholarship established in Section 53B-8-109 may also be awarded each of the supplemental awards established in Sections 53B-8-110 and 53B-8-111.

(b) A student may not receive both a Regents' scholarship and a New Century scholarship established in Section 53B-8-105.

(3) A Regents' scholarship may only be used at a:

(a) credit-granting higher education institution within the state system of higher education; or

(b) private, nonprofit college or university in the state that is accredited by the Northwest Association of Schools and Colleges.

(4) (a) A scholarship holder shall enroll full-time at a higher education institution described in Subsection (3) by no later than the fall term immediately following the student's high school graduation date or receive an approved deferral from the board.

(b) The board may grant a deferral or leave of absence to a scholarship holder, but the student may only receive scholarship money within five years of the student's high school graduation date.

(5) (a) The board shall annually report on the Regents' Scholarship Program at the beginning of each school year to the Education Interim Committee and the Higher Education Appropriations Subcommittee.

(b) The report shall include the number of students in each school district and public high school who meet the academic criteria for the Base Regents' scholarship and for the Exemplary Academic Achievement Scholarship.

(c) The State Board of Education, school districts, and public high schools shall cooperate with the board to facilitate the collection and distribution of Regents' Scholarship Program data.

(6) The State Board of Education shall annually provide the board a complete list of directory information, including student name and address, for all grade 8 students in the state.

(7) The board shall adopt policies establishing:

(a) the high school and college course requirements described in Subsection 53B-8-109(1)(d)(i);

(b) the additional weights assigned to grades earned in certain courses described in Subsections 53B-8-109(4) and 53B-8-111(7);

(c) the regional accrediting bodies that may accredit a private high school described in Subsection 53B-8-109(1)(a)(ii);

(d) (i) the application process and an appeal process for a Regents' scholarship, including procedures to allow a student to apply for the scholarship on-line; and

(ii) a disclosure on all applications and related materials that the amount of the awards is subject to funding and may be reduced, in accordance with Subsection (8)(b); and

(e) how college credits correlate to high school units for purposes of Subsection 53B-8-109(1)(d)(i).

(8) (a) Subject to future budget constraints, the Legislature shall make an annual appropriation from the Education Fund to the board for the costs associated with

the Regents' Scholarship Program authorized under this section and Sections 53B-8-109, 53B-8-110, and 53B-8-111.

(b) Notwithstanding the provisions of this section and Sections 53B-8-109, 53B-8-110, and 53B-8-111, if the appropriation under Subsection (8)(a) is insufficient to cover the costs associated with the Regents' Scholarship Program, the board may reduce the amount of the Base Regents' scholarships and supplemental awards.

(9) The board may set deadlines for receiving Regents' scholarship applications and supporting documentation.

Amended by Chapter 270, 2010 General Session

53B-8-109. Regents' Scholarship Program -- Base Regents' scholarship -- Qualifications -- Application.

- (1) A student qualifies for a Base Regents' scholarship if the student:
 - (a) completes the high school graduation requirements of:
 - (i) a public school established by the State Board of Education and the student's school district or charter school; or
 - (ii) a private high school in the state that is accredited by a regional accrediting body approved by the board;
 - (b) completes high school with at least a 3.0 cumulative grade point average;
 - (c) has at least one reported ACT test score; and
 - (d) (i) completes the following high school or college credit in grades 9-12:
 - (A) four units of credit of English;
 - (B) four units of credit of mathematics;
 - (C) three and one-half units of credit of social science;
 - (D) three units of credit of lab-based natural science; and
 - (E) two units of credit of sequential world or classical language other than English; and
 - (ii) except as provided in Subsection (4), earns a course grade on a transcript of "C" or above in each individual course listed in Subsection (1)(d)(i).
- (2) The board shall establish policies to determine specific courses that meet the requirements under Subsection (1)(d)(i).
- (3) To be eligible for the scholarship, a student:
 - (a) shall submit an application to the board with:
 - (i) a copy of the student's official high school transcript and ACT scores; and
 - (ii) if applicable, a college transcript showing a college course the student has completed to meet the requirements of Subsection (1)(d);
 - (b) shall be a citizen of the United States or a noncitizen who is eligible to receive federal student aid;
 - (c) may not have a criminal record, with the exception of a misdemeanor traffic citation; and
 - (d) if applicable, shall meet the application deadlines as established by the board under Subsection 53B-8-108(9).
- (4) For purposes of determining if a student meets the grade requirements of Subsection (1)(d)(ii), the board shall assign additional weights to grades earned in courses described in Subsection (1)(d)(i) that are advanced placement, concurrent

enrollment, or International Baccalaureate program courses.

(5) (a) The amount of the Base Regents' scholarship is \$1,000.

(b) The board may adjust the amount of the Base Regents' scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the system of higher education.

(6) (a) The board shall require an applicant for a Regents' scholarship to certify under penalty of perjury that:

(i) the applicant is a United States citizen; or

(ii) the applicant is a noncitizen who is eligible to receive federal student aid.

(b) The certification under this Subsection (6) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

Amended by Chapter 64, 2013 General Session

53B-8-110. Regents' Scholarship Program -- Supplemental award to encourage college savings.

(1) A student who qualifies for the Base Regents' Scholarship in accordance with the provisions of Section 53B-8-109 may be awarded up to an additional \$400 as provided in this section.

(2) A student who qualifies for the Base Regents' Scholarship shall be awarded \$100 for a year that:

(a) the student was 14, 15, 16, or 17 years of age; and

(b) at least \$100 in contributions, excluding transfers, investment earnings, and interest, was deposited in a Utah Educational Savings Plan account that designated the student as the beneficiary.

Amended by Chapter 6, 2010 General Session

53B-8-111. Supplemental scholarship award -- Exemplary academic achievement -- Regents' diploma.

(1) A student who qualifies for the Base Regents' scholarship in accordance with the provisions of Section 53B-8-109 shall qualify for an additional Exemplary Academic Achievement scholarship if the student:

(a) completes high school with a cumulative grade point average of 3.5 or higher;

(b) except as provided in Subsection (7), earns a course grade on a transcript of "B" or above in each individual course listed in Subsection 53B-8-109(1)(d)(i); and

(c) (i) scores a composite ACT score of 26 or higher; and

(ii) if determined by the board's policies, achieves additional ACT college readiness benchmark scores in English, mathematics, reading, and science.

(2) For a student who graduates from high school in the 2009-10 school year:

(a) if used at a higher education institution described in Subsection 53B-8-108(3)(a), the value of an Exemplary Academic Achievement scholarship is up to 75% of the tuition costs at the selected institution; or

(b) if used at a higher education institution described in Subsection 53B-8-108(3)(b), the value of an Exemplary Academic Achievement scholarship is up to

75% of the tuition costs at the institution, not to exceed 75% of the average tuition costs at the institutions described in Subsection 53B-8-108(3)(a).

(3) (a) For a student who graduates from high school in or after the 2010-11 school year, the total value of an Exemplary Academic Achievement scholarship is up to \$5,000, allocated over a time period described in Subsection (4), as prescribed by the board.

(b) The board may adjust the amount of the Exemplary Academic Achievement scholarship by up to a percentage of the average percentage tuition increase approved by the board for institutions in the state system of higher education.

(4) An Exemplary Academic Achievement scholarship is valid for the shortest of the following time periods:

- (a) two years of full-time equivalent enrollment;
- (b) 65 credit hours; or
- (c) until the student meets the requirements for a baccalaureate degree.

(5) (a) The board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:

- (i) register as a full-time student;
- (ii) maintain a 3.0 grade point average for two consecutive semesters; or
- (iii) make reasonable progress towards the completion of a baccalaureate degree.

(b) Beginning July 1, 2013, the board may cancel an Exemplary Academic Achievement scholarship at any time if the student fails to:

- (i) register for at least 15 credit hours per semester;
- (ii) maintain a 3.3 grade point average for two consecutive semesters; or
- (iii) make reasonable progress towards the completion of a baccalaureate degree.

(6) A student who qualifies for the Exemplary Academic Achievement scholarship under this section may also receive a Regents' diploma endorsement to be issued by the board.

(7) For purposes of determining if a student meets the grade requirements of Subsection (1)(b), the board shall assign additional weights to grades earned in courses described in Subsection 53B-8-109(1)(d)(i) that are advanced placement, concurrent enrollment, or International Baccalaureate program courses.

Amended by Chapter 64, 2013 General Session

53B-8a-101. Purpose.

(1) (a) The Legislature finds that the general welfare and well-being of the state are directly related to educational levels and skills of the citizens of the state.

(b) Therefore, a vital and valid public purpose is served by the creation and implementation of programs which encourage and make possible the attainment of higher education by the greatest number of citizens of the state.

(2) (a) The Legislature finds that the state has limited resources to provide additional programs for higher education funding and that the continued operation and maintenance of the state's public institutions of higher education and the general welfare of the citizens of the state will be enhanced by establishing a plan which allows

citizens of the state to invest money in a public trust for future application to the payment of higher education costs.

(b) The Legislature further finds that the plan described in Subsection (2)(a) serves a vital and valid public purpose.

(3) (a) In order to make available to the citizens of the state an opportunity to fund future higher education needs, it is necessary that a public trust be established in which money may be invested for future educational use.

(b) It may also be necessary to establish and create an endowment fund, which may be funded with public funds, among other sources, the income from which may be made available to account owners to enhance or encourage their savings invested for future higher education costs or for use in scholarship or other college savings incentive programs.

Amended by Chapter 6, 2010 General Session

53B-8a-102. Definitions.

As used in this chapter:

(1) "Account agreement" means an agreement between an account owner and the Utah Educational Savings Plan entered into under this chapter.

(2) "Account owner" means a person, estate, or trust, if that person, estate, or trust has entered into an account agreement under this chapter to save for the higher education costs on behalf of a beneficiary.

(3) "Administrative fund" means the money used to administer the Utah Educational Savings Plan.

(4) "Beneficiary" means the individual designated in an account agreement to benefit from the amount saved for higher education costs.

(5) "Board" means the board of directors of the Utah Educational Savings Plan which is the state Board of Regents acting in its capacity as the Utah Higher Education Assistance Authority under Title 53B, Chapter 12, Higher Education Assistance Authority.

(6) "Endowment fund" means the endowment fund established under Section 53B-8a-107 which is held as a separate fund within the Utah Educational Savings Plan.

(7) "Executive director" means the administrator appointed to administer and manage the Utah Educational Savings Plan.

(8) "Federally insured depository institution" means an institution whose deposits and accounts are to any extent insured by a federal deposit insurance agency, including the Federal Deposit Insurance Corporation and the National Credit Union Administration.

(9) "Higher education costs" means qualified higher education expenses as defined in Section 529(e)(3), Internal Revenue Code.

(10) "Plan" means the Utah Educational Savings Plan created in Section 53B-8a-103.

(11) "Program fund" means the program fund created under Section 53B-8a-107, which is held as a separate fund within the Utah Educational Savings Plan.

(12) "Qualified investment" means an amount invested in accordance with an account agreement established under this chapter.

(13) "Tuition and fees" means the quarterly or semester charges imposed to attend an institution of higher education and required as a condition of enrollment.

Amended by Chapter 46, 2011 General Session

53B-8a-103. Creation of Utah Educational Savings Plan -- Powers and duties of plan -- Certain exemptions.

(1) There is created the Utah Educational Savings Plan, which may also be known and function as the Utah Educational Savings Plan Trust.

(2) The plan:

(a) is a non-profit, self-supporting agency that administers a public trust;

(b) shall administer the various programs, funds, trusts, plans, functions, duties, and obligations assigned to the plan:

(i) consistent with sound fiduciary principles; and

(ii) subject to review of the board; and

(c) shall be known as and managed as a qualified tuition program in compliance with Section 529, Internal Revenue Code, that is sponsored by the state.

(3) The plan may:

(a) make and enter into contracts necessary for the administration of the plan payable from plan money, including:

(i) contracts for goods and services; and

(ii) contracts to engage personnel, with demonstrated ability or expertise, including consultants, actuaries, managers, counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice;

(b) adopt a corporate seal and change and amend it from time to time;

(c) invest money within the program, administrative, and endowment funds in accordance with the provisions under Section 53B-8a-107;

(d) enter into agreements with account owners, any institution of higher education, any federal or state agency, or other entity as required to implement this chapter;

(e) solicit and accept any grants, gifts, legislative appropriations, and other money from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation for deposit to the administrative fund, endowment fund, or the program fund;

(f) make provision for the payment of costs of administration and operation of the plan;

(g) carry out studies and projections in order to advise account owners regarding present and estimated future higher education costs and levels of financial participation in the plan required in order to enable account owners to achieve their educational funding objective;

(h) participate in federal, state, local governmental, or private programs;

(i) create public and private partnerships, including investment or management relationships with other 529 plans or entities;

(j) promulgate, impose, and collect administrative fees and charges in connection with transactions of the plan, and provide for reasonable service charges;

(k) procure insurance:

- (i) against any loss in connection with the property, assets, or activities of the plan; and
- (ii) indemnifying any member of the board from personal loss or accountability arising from liability resulting from a member's action or inaction as a member of the plan's board;
 - (l) administer outreach efforts to:
 - (i) market and publicize the plan and its products to existing and prospective account owners; and
 - (ii) encourage economically challenged populations to save for post-secondary education;
 - (m) adopt, trademark, and copyright names and materials for use in marketing and publicizing the plan and its products;
 - (n) administer the funds of the plan;
 - (o) sue and be sued in its own name;
 - (p) own institutional accounts in the plan to establish and administer:
 - (i) scholarship programs; or
 - (ii) other college savings incentive programs, including programs designed to enhance the savings of low income account owners investing in the plan; and
 - (q) have and exercise any other powers or duties that are necessary or appropriate to carry out and effectuate the purposes of this chapter.
- (4) (a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.
- (b) (i) The annual audited financial statements of the plan described in Section 53B-8a-111 are public records.
- (ii) Financial information that is provided by the plan to the Division of Finance and posted on the Utah Public Finance Website in accordance with Section 63A-3-402 is a public record.

Amended by Chapter 46, 2011 General Session
Amended by Chapter 342, 2011 General Session

53B-8a-104. Office facilities, clerical, and administrative support for the Utah Educational Savings Plan.

- (1) The board shall provide to the plan, by agreement, administrative and clerical support and office facilities and space.
- (2) Reasonable charges or fees may be levied against the plan pursuant to the agreement for the services provided by the board.

Amended by Chapter 6, 2010 General Session

53B-8a-105. Powers and duties of board.

- (1) The board has all powers necessary to carry out and effectuate the purposes, objectives, and provisions of this chapter pertaining to the plan.
- (2) The duties, responsibilities, funds, liabilities, and expenses of the board in oversight and governance of the plan shall be maintained separate and apart from the board's other duties, responsibilities, funds, liabilities, and expenses.

- (3) The board shall make policies governing the:
 - (a) administration of the plan; and
 - (b) appointment and duties of the plan's executive director.
- (4) (a) The board may appoint advisory committees to aid the board in fulfilling its duties and responsibilities.
- (b) An advisory committee member may receive compensation and be reimbursed for reasonable expenses incurred in the performance of the member's official duties as determined by the board.

Amended by Chapter 46, 2011 General Session

53B-8a-106. Account agreements.

The plan may enter into account agreements with account owners on behalf of beneficiaries under the following terms and agreements:

(1) (a) An account agreement may require an account owner to agree to invest a specific amount of money in the plan for a specific period of time for the benefit of a specific beneficiary, not to exceed an amount determined by the executive director.

(b) Account agreements may be amended to provide for adjusted levels of payments based upon changed circumstances or changes in educational plans.

(c) An account owner may make additional optional payments as long as the total payments for a specific beneficiary do not exceed the total estimated higher education costs as determined by the executive director.

(d) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment that a corporation that is an account owner may subtract from unadjusted income for a taxable year in accordance with Title 59, Chapter 7, Corporate Franchise and Income Taxes, is \$1,710 for each individual beneficiary for the taxable year beginning on or after January 1, 2010, but beginning on or before December 31, 2010.

(e) Subject to Subsections (1)(f) and (g), the maximum amount of a qualified investment that may be used as the basis for claiming a tax credit in accordance with Section 59-10-1017, is:

(i) for a resident or nonresident estate or trust that is an account owner, \$1,710 for each individual beneficiary for the taxable year beginning on or after January 1, 2010, but beginning on or before December 31, 2010;

(ii) for a resident or nonresident individual that is an account owner, other than a husband and wife who are account owners and file a single return jointly under Title 59, Chapter 10, Individual Income Tax Act, \$1,710 for each individual beneficiary for the taxable year beginning on or after January 1, 2010, but beginning on or before December 31, 2010; or

(iii) for a husband and wife who are account owners and file a single return jointly under Title 59, Chapter 10, Individual Income Tax Act, \$3,420 for each individual beneficiary:

(A) for the taxable year beginning on or after January 1, 2010, but beginning on or before December 31, 2010; and

(B) regardless of whether the plan has entered into:

(I) a separate account agreement with each spouse; or

(II) a single account agreement with both spouses jointly.

(f) (i) For taxable years beginning on or after January 1, 2011, the executive director shall annually increase the maximum amount of a qualified investment described in Subsections (1)(d) and (1)(e)(i) and (ii), by a percentage equal to the increase in the consumer price index for the preceding calendar year.

(ii) After making an increase required by Subsection (1)(f)(i), the executive director shall:

(A) round the maximum amount of the qualified investments described in Subsections (1)(d) and (1)(e)(i) and (ii) increased under Subsection (1)(f)(i) to the nearest 10 dollar increment; and

(B) increase the maximum amount of the qualified investment described in Subsection (1)(e)(iii) so that the maximum amount of the qualified investment described in Subsection (1)(e)(iii) is equal to the product of:

(I) the maximum amount of the qualified investment described in Subsection (1)(e)(ii) as rounded under Subsection (1)(f)(ii)(A); and

(II) two.

(iii) For purposes of Subsections (1)(f)(i) and (ii), the executive director shall calculate the consumer price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

(g) For taxable years beginning on or after January 1, 2011, the executive director shall keep the previous year's maximum amount of a qualified investment described in Subsections (1)(d) and (1)(e)(i) and (ii) if the consumer price index for the preceding calendar year decreases.

(2) (a) Beneficiaries designated in account agreements must be designated after birth and before age 19 for an account owner to:

(i) subtract a qualified investment from income under Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) use a qualified investment as the basis for claiming a tax credit in accordance with Section 59-10-1017.

(b) Account owners may designate a beneficiary age 19 or older, but investments for that beneficiary are not eligible to be:

(i) subtracted from income under Title 59, Chapter 7, Corporate Franchise and Income Taxes; or

(ii) used as the basis for claiming a tax credit in accordance with Section 59-10-1017.

(3) Each account agreement shall state clearly that there are no guarantees regarding money in the plan as to the return of principal and that losses could occur.

(4) Each account agreement shall provide that:

(a) a contributor to, or designated beneficiary under, an account agreement may not direct the investment of any contributions or earnings on contributions;

(b) any part of the money in any account may not be used as security for a loan; and

(c) an account owner may not borrow from the plan.

(5) The execution of an account agreement by the plan may not guarantee in any way that higher education costs will be equal to projections and estimates provided by the plan or that the beneficiary named in any account agreement will:

(a) be admitted to an institution of higher education;

(b) if admitted, be determined a resident for tuition purposes by the institution of higher education;

(c) be allowed to continue attendance at the institution of higher education following admission; or

(d) graduate from the institution of higher education.

(6) A beneficiary may be changed as permitted by the rules and regulations of the board upon written request of the account owner prior to the date of admission of any beneficiary under an account agreement by an institution of higher education so long as the substitute beneficiary is eligible for participation.

(7) An account agreement may be freely amended throughout the term of the account agreement in order to enable an account owner to increase or decrease the level of participation, change the designation of beneficiaries, and carry out similar matters as authorized by rule.

(8) Each account agreement shall provide that:

(a) the account agreement may be canceled upon the terms and conditions, and upon payment of the fees and costs set forth and contained in the board's rules and regulations; and

(b) the executive director may amend the agreement unilaterally and retroactively, if necessary, to maintain the plan as a qualified tuition program under Section 529, Internal Revenue Code.

Amended by Chapter 6, 2010 General Session

53B-8a-107. Program, administrative, and endowment funds -- Investment and payments from funds.

(1) (a) The plan shall segregate money received by the plan into three funds, the program fund, the administrative fund, and the endowment fund.

(b) The plan, as approved by the board, may hold, deposit, and invest program fund, administrative fund, and endowment fund money in the following:

(i) the Public Treasurer's Investment Fund;

(ii) mutual funds, securities, or other investments registered with the United States Securities and Exchange Commission;

(iii) federally insured depository institutions;

(iv) stable value products, including guaranteed investment contracts, guaranteed interest contracts, and guaranteed insurance contracts; and

(v) any investments that are determined by the board to be appropriate and that would be authorized under:

(A) the provisions of Section 51-7-11; or

(B) rules of the State Money Management Council applicable to gift funds.

(2) Transfers may be made from the program fund to the administrative fund to pay operating costs:

(a) associated with administering the plan and as required under Sections 53B-8a-103 through 53B-8a-105; and

(b) as included in the budget approved by the board.

(3) (a) All money paid by account owners in connection with account agreements shall be deposited as received into separate accounts within the program

fund which shall be invested and accounted for separately.

(b) Money accrued by account owners in the program fund may be used for:

(i) payments to any institution of higher education;

(ii) payments to the account owner or beneficiary;

(iii) transfers to another 529 plan; or

(iv) other expenditures or transfers made in accordance with the account agreement.

(4) (a) All money received by the plan from the proceeds of gifts and other endowments for the purposes of the plan shall be:

(i) deposited, according to the nature of the donation, as received into the endowment fund or the administrative fund; and

(ii) invested and accounted for separately.

(b) Any gifts, grants, or donations made by any governmental unit or any person, firm, partnership, or corporation to the plan for deposit to the endowment fund or the administrative fund is a grant, gift, or donation to the state for the accomplishment of a valid public eleemosynary, charitable, and educational purpose and is not included in the income of the donor for Utah tax purposes.

(c) The endowment fund or the administrative fund may be used to enhance the savings of low income account owners investing in the plan, for scholarships, or for other college savings incentive programs as approved by the board.

(d) Transfers may be made between the endowment fund and the administrative fund upon approval by the board.

(e) Endowment fund earnings not accruing to a beneficiary under an account agreement, not transferred to the administrative fund, or not otherwise approved by the board for expenditure, shall be reinvested in the endowment fund.

Amended by Chapter 46, 2011 General Session

53B-8a-108. Cancellation of agreements.

(1) Any account owner may cancel an account agreement at will.

(2) If an account agreement is cancelled by the account owner, the current account balance shall be disbursed to the account owner less:

(a) an administrative refund fee, which may be charged by the plan, except as provided in Subsection (3); and

(b) any penalty or tax required to be withheld by the Internal Revenue Code.

(3) An administration refund fee may not be levied by the plan if the account agreement is cancelled due to:

(a) the death of the beneficiary; or

(b) the permanent disability or mental incapacity of the beneficiary.

Amended by Chapter 6, 2010 General Session

53B-8a-109. Repayment and ownership of funds in the account -- Transfer of ownership rights.

(1) (a) The account owner retains ownership of funds in the account until:

(i) funds are used to pay higher education costs for the beneficiary;

- (ii) funds are otherwise disbursed;
- (iii) funds are transferred for administrative costs; or
- (iv) the account is closed.

(b) Funds in the account shall be considered to be held in trust for the benefit of the beneficiary.

(2) Any amounts that may be paid pursuant to the plan that are not listed in this section are owned by the plan.

(3) (a) An account owner may transfer ownership rights to another eligible person.

(b) The transfer shall be affected and the property distributed in accordance with administrative regulations promulgated by the board or the terms of the account agreement.

Amended by Chapter 6, 2010 General Session

53B-8a-110. Effect of payments on determination of need and eligibility for student aid.

No student loan program, student grant program, or other program administered by any agency of the state, except as may be otherwise provided by federal law or the provisions of any specific grant applicable to that law, shall take into account and consider amounts available for the payment of higher education costs pursuant to the plan in determining need and eligibility for student aid.

Amended by Chapter 6, 2010 General Session

53B-8a-111. Annual audit of financial statements -- Information to governor and Legislature.

(1) The financial statements of the plan shall be audited annually by the state auditor or the state auditor's designee and reported in accordance with generally accepted accounting principles.

(2) The plan shall submit to the governor and the Legislature:

(a) upon request, any studies or evaluations of the plan;

(b) upon request, a summary of the benefits provided by the plan including the number of participants and beneficiaries in the plan; and

(c) upon request, any other information which is relevant in order to make a full, fair, and effective disclosure of the operations of the plan.

Amended by Chapter 6, 2010 General Session

53B-8a-112. Tax considerations.

(1) For tax purposes the property of the plan and its income are governed by Section 59-10-201.

(2) The tax commission, in consultation with the board and the plan, may adopt rules necessary to monitor and implement the tax provisions referred to in Subsection (1) as related to the property of the plan and its income.

Amended by Chapter 6, 2010 General Session

53B-8a-113. Property rights to plan assets.

(1) The assets of the plan, including the program fund and the endowment fund, shall at all times be preserved, invested, and expended solely and only for the purposes of the plan and shall be held in trust for the account owners and beneficiaries.

(2) No property rights in the plan shall exist in favor of the state.

(3) The assets may not be transferred or used by the state for any purposes other than the purposes of the plan.

Amended by Chapter 6, 2010 General Session

53B-8a-114. Liberal construction.

This chapter shall be construed liberally in order to effectuate its legislative intent.

Enacted by Chapter 4, 1996 Special Session 2

53B-8c-101. Title.

This chapter is known as the "Police Officer's and Firefighter's Survivor Tuition Act."

Enacted by Chapter 333, 1997 General Session

53B-8c-102. Definitions.

As used in this chapter:

(1) "Child" means an individual who:

(a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and

(b) was under the age of 25 at the time of the peace officer's or firefighter's death.

(2) "Department" means the Department of Public Safety.

(3) "Killed" means that the peace officer's or firefighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

(4) "Line of duty" means an action that a peace officer or firefighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including a social, ceremonial, or athletic function that the peace officer or firefighter is assigned to or compensated for by the public agency being served.

(5) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's occupation.

(6) "State institution of higher education" means those institutions designated in Section 53B-1-102.

(7) "Traumatic injury" means a wound or the condition of the body caused by external force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object, or other physical blow, fire, smoke, chemical, electricity, climatic condition,

infectious disease, radiation, or bacteria, but excluding an occupational disease.

(8) "Tuition" means tuition at the rate charged for residents of the state.

(9) (a) "Utah firefighter" or "firefighter" means a member, including volunteer members and members paid on call, of a fire department or other organization that provides fire suppression and other fire-related services, of a political subdivision who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires.

(b) "Utah firefighter" or "firefighter" does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.

(10) "Utah peace officer" or "peace officer" means an employee of a law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

Amended by Chapter 282, 1998 General Session

53B-8c-103. Tuition waivers for surviving spouses and children of police officers and firefighters killed in the line of duty -- Qualifications -- Limitations.

(1) Beginning in the 1997-98 academic year, and subject to the limitations in Subsections (2), (3), and (4) of this section, a state institution of higher education shall waive tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has been killed or is killed in the line of duty if the individual meets the following requirements:

(a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;

(b) is a resident student of the state as determined under Section 53B-8-102;

(c) applies to the department for a waiver of tuition under this chapter and provides evidence satisfactory to the department that:

(i) the applicant is the surviving spouse or child of a peace officer or firefighter who was killed in the line of duty;

(ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (2); and

(iii) the applicant meets the other requirements of this section;

(d) for a child of a peace officer or firefighter killed in the line of duty, applies under Subsection (1)(c) for the first time before the age of 25;

(e) is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses, with the understanding that if the applicant's family income, excluding any income from death benefits attributable to the peace officer's or firefighter's death, is below 400% of the poverty level under federal poverty guidelines, income from any death benefits accruing to the applicant as a result of the death may not be counted as family income in determining financial need under this Subsection (1)(e);

(f) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which

may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and

(g) has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter credits at an institution of higher education.

(2) A child or surviving spouse of a peace officer or firefighter who was killed in the line of duty is eligible for a tuition waiver under this section of not more than nine semesters or the equivalent number of quarters.

(3) Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available for a waiver under this chapter.

(4) An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.

Amended by Chapter 282, 1998 General Session

53B-8c-104. Notice of tuition waiver approval -- Annual appropriation.

(1) Upon receiving an application under Subsection 53B-8c-103(1)(c), the department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of Section 53B-8c-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

(2) The department shall provide the necessary forms and applications and cooperate with the state's institutions of higher education in developing efficient procedures for the implementation of this chapter.

(3) The department shall annually report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at each institution and the total amounts paid under this chapter for the fiscal year.

(4) The Legislature may annually appropriate the funds necessary to implement this chapter, including money to offset the tuition waivers at each institution.

Enacted by Chapter 333, 1997 General Session

53B-8d-101. Title.

This chapter is known as the "Tuition Waivers for Wards of the State Act."

Enacted by Chapter 279, 2001 General Session

53B-8d-102. Definitions.

As used in this chapter:

(1) "Division" means the Division of Child and Family Services.

(2) "Long-term foster care" means an individual who remains in the custody of the division, whether or not the individual resides:

(a) with licensed foster parents; or

- (b) in independent living arrangements under the supervision of the division.
- (3) "State institution of higher education" means:
 - (a) those institutions designated in Section 53B-1-102; and
 - (b) any public institution that offers postsecondary education in consideration of the payment of tuition or fees for the attainment of educational or vocational objectives leading to a degree or certificate, including:
 - (i) business schools;
 - (ii) technical schools;
 - (iii) applied technology centers;
 - (iv) trade schools; and
 - (v) institutions offering related apprenticeship programs.
- (4) "Tuition" means tuition at the rate for residents of the state.
- (5) "Ward of the state" means an individual:
 - (a) who is:
 - (i) at least 17 years of age; and
 - (ii) not older than 26 years of age;
 - (b) who had a permanency goal in the individual's child and family plan, as described in Sections 62A-4a-205 and 78A-6-314, of long-term foster care while in the custody of the division; and
 - (c) for whom the custody of the division was not terminated as a result of adoption.

Amended by Chapter 3, 2008 General Session

53B-8d-103. Tuition waivers for wards of the state.

- (1) Beginning in the 2001-02 academic year, and subject to the limitations in Subsections (2), (3), and (4), a state institution of higher education shall waive tuition for each ward of the state who meets the following requirements:
 - (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate;
 - (b) is a resident student of the state as determined under Section 53B-8-102;
 - (c) applies to the division for a waiver of tuition under this chapter and provides evidence satisfactory to the division that:
 - (i) the applicant was in the custody of the division for an aggregate period of not less than 24 months; and
 - (ii) the course or courses for which the applicant is seeking a tuition waiver meet the requirements of Subsection (2);
 - (d) applies under Subsection (1)(c) for the first time before the age of 22;
 - (e) is certified by the financial aid officer at the higher education institution as needing the tuition waiver in order to meet recognized educational expenses;
 - (f) maintains satisfactory academic progress, as defined by the institution of higher education, for each term or semester in which the individual is enrolled, which may be measured by the definition used for federal student assistance programs under Title IV of the Higher Education Act of 1965; and
 - (g) has not achieved a bachelor's degree and has received tuition reimbursement under this chapter for less than 124 semester credits or 180 quarter

credits at an institution of higher education.

(2) A ward of the state is eligible for a tuition waiver under this section of not more than nine semesters.

(3) Tuition shall be waived:

(a) after the individual has applied for financial assistance, including scholarships and Pell Grants; and

(b) only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, Pell Grant, or any other source of tuition coverage available for a waiver under this chapter.

(4) An institution of higher education shall waive tuition under this chapter only for courses that are applicable toward the degree or certificate requirements of the program in which the student is enrolled.

Enacted by Chapter 279, 2001 General Session

53B-8d-104. Notice of tuition waiver approval -- Annual appropriation.

(1) Upon receiving an application under Section 53B-8d-103, the division shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of Section 53B-8d-103 and, if so, shall approve the application and notify the higher education institution that the application has been approved.

(2) The division shall provide the necessary forms and applications and cooperate with the state's institutions of higher education in developing efficient procedures for the implementation of this chapter.

(3) The division shall reimburse the state's institutions of higher education for any tuition waived under this chapter.

(4) The division shall annually report to the Legislature's Higher Education Appropriations Subcommittee on the number of individuals for whom tuition has been waived at each institution and the total amounts reimbursed by the division under this chapter for the fiscal year.

(5) The Legislature may annually appropriate the funds necessary to implement this chapter, including money to offset the reimbursement of tuition waivers.

Enacted by Chapter 279, 2001 General Session

53B-8e-101. Title.

This chapter is known as the "Utah Purple Heart Recipients' Tuition Act."

Enacted by Chapter 181, 2004 General Session

53B-8e-102. Definitions.

As used in this chapter:

(1) "Purple Heart recipient" means any Utah resident who is a military veteran and who has earned a Purple Heart award as a result of military service.

(2) "State institution of higher education" means an institution listed in Section 53B-1-102.

(3) (a) "Tuition" means tuition at the rate for residents of the state.

(b) "Tuition" excludes fees.

Enacted by Chapter 181, 2004 General Session

53B-8e-103. Tuition waivers for Purple Heart recipients -- Qualifications -- Limitations.

(1) Beginning in the 2004-05 academic year, a state institution of higher education shall waive undergraduate tuition for each Purple Heart recipient who:

(a) is admitted as a full-time, part-time, or summer school student in an undergraduate program of study leading to a degree or certificate;

(b) is a resident student of the state as determined under Section 53B-8-102; and

(c) submits verification as provided in Subsection (3) that the student is a Purple Heart recipient.

(2) (a) Beginning in the 2008-09 academic year, a state institution of higher education shall waive graduate tuition as provided in this Subsection (2) for each Purple Heart recipient who:

(i) is admitted as a full-time, part-time, or summer school student in a graduate program of study leading to a degree;

(ii) is a resident student of the state as determined under Section 53B-8-102; and

(iii) submits verification as provided in Subsection (3) that the student is a Purple Heart recipient.

(b) To qualify for a graduate tuition waiver, a Purple Heart recipient shall apply for a graduate program no later than 10 years from the day on which the Purple Heart recipient completes an undergraduate degree.

(c) The total amount of all graduate tuition waived for a Purple Heart recipient may not exceed \$10,000.

(d) A Purple Heart recipient may receive a graduate tuition waiver for a period of time that does not exceed the lesser of:

(i) the time it takes for the Purple Heart recipient to complete a graduate degree; or

(ii) five years after the day on which the Purple Heart recipient is accepted to a graduate program.

(3) A Purple Heart recipient seeking a tuition waiver shall request the Department of Veterans' and Military Affairs to provide the verification required by Subsection (1)(c). The Department of Veterans' and Military Affairs shall provide the verification upon obtaining evidence satisfactory to the division that the student is a Purple Heart recipient.

(4) The State Board of Regents may request reimbursement from the Legislature for costs incurred in providing the tuition waiver under this section.

Amended by Chapter 214, 2013 General Session

53B-9-101. Legislative findings on higher education for senior citizens -- Legislative intent -- Quarterly registration fee.

(1) The Legislature finds that substantial benefits would accrue to the state, as well as those directly involved, through making higher education more accessible to senior citizens who generally find themselves with more time for learning but with less funds for such purposes.

(2) It is intended that an institution of higher education allow Utah residents who have reached 62 years of age to enroll at the institution, in classes for which they may be qualified, on the basis of surplus space in regularly scheduled classes and in accordance with this chapter and implementing rules. These persons are exempt from tuition and other charges, except for a quarterly registration fee established by the board.

Enacted by Chapter 167, 1987 General Session

53B-9-102. Enrollment on space-available basis -- Enrollment reports.

(1) Enrollment of senior citizens under this chapter is permissible after regularly enrolled students have been assigned and admitted to available classroom space in accordance with regular procedures and normal teaching loads in that space within the approved budget.

(2) Enrollments are determined by each institution under rules and guidelines promulgated by the board in accordance with findings of fact that space is available for the enrollments without increased instructional cost.

(3) Institutional enrollment reports shall show senior citizens separately, and they are not counted as full-time students.

Enacted by Chapter 167, 1987 General Session

53B-9-103. Rules.

The board may promulgate reasonable rules to carry out the purpose of this chapter.

Enacted by Chapter 167, 1987 General Session

53B-10-101. Terrel H. Bell Teaching Incentive Loans program -- Eligible students -- Cancellation of incentive loans -- Repayment by recipient who fails to meet requirements -- Duration of incentive loans.

(1) (a) A Terrel H. Bell Teaching Incentive Loans program is established to recruit and train superior candidates for teaching in Utah's public school system as a component of the teacher quality continuum referred to in Subsections 53A-1a-104(7) and 53A-6-102(2)(a).

(b) Under the program, the incentive loans may be used in any of Utah's state-operated institutions of higher education or at a private institution of higher education in Utah that offers a state-approved teacher education program.

(2) (a) The State Board of Regents shall award the incentive loans to college students who have been admitted to, or have made application to and are prepared to enter into, a program preparing students for licensure and who declare an intent to complete the prescribed course of instruction and to teach in this state in accordance

with the priorities described under Subsection (5)(c).

(b) The incentive loan may be canceled at any time by the institution of attendance if:

(i) the student fails to make reasonable progress towards completion of licensing requirements; or

(ii) it appears to be a reasonable certainty that the student does not intend to teach in Utah.

(c) The State Board of Regents may grant leaves of absence to incentive loan holders.

(3) The State Board of Regents may require an incentive loan recipient who fails to complete the requirements for licensing without good cause to repay all tuition and fees provided by the loan, together with appropriate interest.

(4) (a) The State Board of Regents may require an incentive loan recipient who does not work in the state's public school system or a private school within the state within two years after graduation to repay all tuition and fees provided by the loan, together with appropriate interest, unless waived for good cause.

(b) (i) A recipient who does not teach for a term equal to the number of years of the incentive loan within a reasonable period of time after graduation shall repay a graduated portion of the tuition and fees based upon the uncompleted term.

(ii) One year of teaching is credit for one year's tuition and fees.

(c) All repayments made under this Subsection (4) are for use in the Terrel H. Bell Teaching Incentive Loans program.

(5) (a) Each incentive loan is valid for up to four years of full-time equivalent enrollment, or until requirements for licensing or advanced licensing have been met, whichever is less.

(b) (i) Incentive loans apply to both tuition and fees in amounts and are subject to conditions approved by the State Board of Regents, based upon criteria developed to insure that all recipients of the loans will pursue an education career within the state.

(ii) An incentive loan for tuition and fees at a private institution may not exceed the average scholarship amounts granted for tuition and fees at public institutions of higher education within the state.

(c) Incentive loans shall be awarded in accordance with prioritized critical areas of need for teaching expertise within the state, as determined by the State Board of Education's criticality index and school district priorities based upon data provided by the school district, and may include preparing persons as:

(i) a special education teacher;

(ii) a speech or language pathologist; or

(iii) another licensed professional providing services in the public schools to pupils with disabilities.

Amended by Chapter 88, 2006 General Session

53B-10-102. Number of incentive loans -- Criteria for awarding.

(1) (a) A total of 365 Terrel H. Bell Teaching Incentive Loans shall be maintained each year in accordance with criteria and procedures established by the State Board of Regents, except that if the annual appropriation for this program is not

sufficient to fund 365 loans, the State Board of Regents may reduce the total number of incentive loans awarded each year to correspond to the appropriation level.

(b) The number of incentive loans to be awarded shall be reviewed annually based on the need to prepare individuals to teach as determined by the supply of and demand for teachers in the state.

(2) These incentive loans shall be awarded in the following categories:

(a) incentive loans for college students who have successfully completed not less than the equivalent of two semesters of formal higher education study; and

(b) incentive loans for persons described in Subsection 53B-10-101(5)(c), including:

(i) part-time college students who are enrolled in at least six semester hours;

(ii) college students who already hold a bachelor's degree; and

(iii) other nontraditional college students who are enrolled in at least six semester hours; and

(c) a limited number of high school seniors, as selected by the State Board of Education in a statewide competition, if the annual appropriation for the program meets or exceeds the 365 loans under Subsection (1)(a).

Amended by Chapter 88, 2006 General Session

53B-10-103. Incentive loan appropriation -- Administration of incentive loan program.

(1) Subject to future budget constraints, the Legislature shall provide an annual appropriation to the State Board of Regents for the Terrel H. Bell Teaching Incentive Loans Program established in Section 53B-10-101.

(2) The State Board of Regents shall administer the Terrel H. Bell Teaching Incentive Loans Program in accordance with criteria, policies, and procedures established by the board and the State Board of Education.

Amended by Chapter 370, 2009 General Session

53B-11-101. Establishment of Student Loan Fund.

There is established an account known as the State Student Loan Fund, administered by the board.

Enacted by Chapter 167, 1987 General Session

53B-11-102. Use of Student Loan Fund.

(1) The board may use the Student Loan Fund to assist students in attending an eligible institution defined in Section 53B-13-102.

(2) The board may contract with federal and state agencies and corporations, private nonprofit corporations, banks, or other lending institutions in the state to carry out this assistance program.

Amended by Chapter 22, 1989 General Session

53B-11-103. Student loan insurance program -- Board is successor to authority of Coordinating Council -- Maintenance of insurance program.

(1) The board is the agency for the state of Utah that establishes and administers a program for the insurance of loans to student residents of this state to attend an eligible institution.

(2) The board is the successor to the rights and obligations of the Utah Coordinating Council of Higher Education in any valid contract entered into under the authority granted to the council by prior law.

(3) The board may use state, federal, and private funds to maintain the Student Loan Insurance Program.

Enacted by Chapter 167, 1987 General Session

53B-11-104. Eligibility for student financial aid -- Filing of selective service status.

(1) A male born after December 31, 1959, may not receive any state-supported loan, grant, or scholarship for attendance at a postsecondary institution within the state unless he has filed a statement of selective service status with the institution.

(2) The statement shall certify one of the following:

(a) that the male has registered with the selective service system in accordance with the Military Selective Service Act, 50 U.S.C. App. 453, as amended;

(b) that the male is not required to register with the selective service system because he is:

(i) under 18 or over 26 years of age;

(ii) on active duty with the armed forces of the United States other than for training in a reserve or national guard unit;

(iii) a nonimmigrant alien lawfully in the United States in accordance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101(a)(15); or

(iv) not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.

(3) (a) The board of regents, through the commissioner of higher education, shall specify the form of statement to be filed under Subsection (2).

(b) Each statement shall contain a section:

(i) certifying registration with the selective service system and a space for the student to record his selective service number; and

(ii) for the certification of nonregistration and for an explanation of the reason for exemption.

(c) The board may require documentation for the certifications under Subsection (3)(b).

(4) Postsecondary institutions within the state may not make or guarantee any loan, grant, scholarship, or other state-supported financial assistance to a male student unless the student has filed the statement required under Subsection (1).

(5) (a) If a postsecondary institution within the state has received a statement certifying that the individual is registered under Subsection (2)(a) or is exempt from registration for a reason other than he is under 18 years of age, the individual is not required to file any further statement with the institution under this section.

(b) If the institution receives a statement of exemption because the individual is under 18 years of age, it shall require the filing of a new statement each time the individual seeks to apply for financial assistance for educational expenses, until it receives a statement certifying that the individual has registered with the selective service system or is exempt from registration for a reason other than being under 18 years of age.

Enacted by Chapter 70, 1998 General Session

53B-12-101. Utah Higher Education Assistance Authority designated -- Powers.

The board is the Utah Higher Education Assistance Authority and, in this capacity, may do the following:

(1) guarantee 100% of the principal of and interest on a loan to or for the benefit of a person attending or accepted to attend an eligible postsecondary educational institution to assist that person in meeting any educational expenses incurred in an academic year;

(2) take, hold, and administer real or personal property and money, including interest and income, either absolutely or in trust, for any purpose under this chapter;

(3) acquire property for the purposes indicated in Subsection (2) by purchase or lease and by the acceptance of gifts, grants, bequests, devises, or loans;

(4) enter into or contract with an eligible lending institution, or with a public or private postsecondary educational institution to provide for the administration by the institution of any loan or loan guarantee made by it, including application and repayment provisions;

(5) participate in federal programs guaranteeing, reinsuring, or otherwise supporting loans to eligible borrowers for postsecondary educational purposes and agree to, and comply with, the conditions and regulations applicable to those programs;

(6) adopt, amend, or repeal rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to govern the activities authorized by this chapter;

(7) receive state appropriations for the fund established under Section 53B-12-104 to match deposits and to accept contributions received by it for this purpose;

(8) receive funds from the federal government to assist in implementing federally supported programs administered under this chapter;

(9) engage, appoint, or contract for the services of officers, agents, employees, and private consultants to render and perform professional and technical duties and provide assistance and advice in carrying out the purposes of this chapter, to describe their duties, and to fix the amount and source of their compensation; and

(10) receive employment information from the Workforce Development and Information Division in accordance with Section 35A-4-312 for the purpose of collecting defaulted student loans made under this chapter. The information obtained under this Subsection (10) shall be limited to the employer's name, address, and telephone number for borrowers who have defaulted on a student loan held by the Utah Higher Education Assistance Authority.

Amended by Chapter 382, 2008 General Session

53B-12-102. Separation of duties, responsibilities, funds, liabilities, and expenses -- Appointment of board of directors -- No state or local debt -- Minors eligible for loans.

(1) As used in this section, "fiduciary or commercial information" means information:

- (a) related to any subject if the disclosure of the information:
 - (i) would conflict with fiduciary obligations; or
 - (ii) is prohibited by insider trading provisions; or
- (b) of a commercial nature, including information related to:
 - (i) account owners or borrowers;
 - (ii) demographic data;
 - (iii) contracts and related payments;
 - (iv) negotiations;
 - (v) proposals or bids;
 - (vi) investments;
 - (vii) the investment and management of funds;
 - (viii) fees and charges;
 - (ix) plan and program design;
 - (x) investment options and underlying investments offered to account owners;
 - (xi) marketing and outreach efforts;
 - (xii) lending criteria;
 - (xiii) the structure and terms of bonding;
 - (xiv) financial plans; or
 - (xv) reviews and audits, except the final report of the annual audit of financial statements required under Section 53B-8a-111.

(2) The duties, responsibilities, funds, liabilities, and expenses of the board as the Utah Higher Education Assistance Authority shall be maintained separate and apart from its other duties, responsibilities, funds, liabilities, and expenses.

(3) (a) In order to carry out the obligation of separation of functions required under Subsection (2), the board may appoint a board of directors of the authority, and designate its chairman to govern and manage the authority.

(b) The board of directors consists of not less than five persons, not more than two-thirds of whom may be members of the State Board of Regents.

(c) The board of directors reports to and serves at the pleasure of the State Board of Regents, and has all of the powers, duties, and responsibilities of the Utah Higher Education Assistance Authority except for those expressly retained by the State Board of Regents.

(4) All meetings of the Utah Higher Education Assistance Authority and its appointed board of directors shall be open to the public, except those meetings or portions of meetings that are closed as authorized by Sections 52-4-204 and 52-4-205, including to discuss fiduciary or commercial information.

(5) An obligation incurred under this chapter does not constitute a debt of the state or any of its political subdivisions.

(6) (a) A person who would otherwise qualify for a loan guaranteed by the

authority is not disqualified because that person is a minor.

(b) For the purpose of applying for, receiving, and repaying a loan, a minor has full legal capacity to act and has all the rights, powers, privileges, and obligations of a person of full age with respect to the loan.

Amended by Chapter 46, 2011 General Session

53B-12-103. Gifts by persons, corporations, and associations -- Tax deduction.

(1) A person, domestic corporation, or association organized for the purpose of carrying on business in this state may, regardless of the provisions of any certificate of incorporation, charter, or other articles of organization, make contributions, gifts, grants, bequests, devises, or loans to the authority.

(2) The value of the contribution is deductible in computing the net taxable income of the person, corporation, or association for purposes of an income or franchise tax imposed by this state or its political subdivisions.

Enacted by Chapter 167, 1987 General Session

53B-12-104. Guarantee Fund -- Sources -- Use -- Valuation and restoration of assets -- Other funds.

(1) The authority shall establish the Utah Higher Education Assistance Authority Guarantee Fund from the following sources:

- (a) insurance premiums;
- (b) money appropriated and made available by the state for the purpose of the guarantee fund;
- (c) money directed by the authority to be transferred to the guarantee fund; and
- (d) other money made available to the authority for the purpose of the guarantee fund from other sources.

(2) (a) Money held in the guarantee fund shall be used only for payments required under the authority's guarantee agreements and for other purposes authorized by applicable federal regulations.

(b) Income or interest earned by the investment of money held in the guarantee fund remains in the fund.

(c) The authority may provide by resolution or guarantee agreement that it may not guarantee a loan if the assets of the fund are less than 1% of the unpaid principal amount outstanding upon all loans guaranteed by the fund, or a greater amount as determined by the authority.

(d) In computing the assets of the fund for the purposes of this section, securities are valued at par, cost, or by such other method of valuation as the authority may provide by resolution or agreement.

(e) In the event assets in the fund are less than 1%, or a greater amount as determined by the authority under Subsection (2)(c), the chairman of the authority shall annually, before the second day of December, certify to the governor and to the Director of Finance the amounts required to restore the assets of the fund to the required amount. The governor may request an appropriation of the certified amount

from the Legislature in order to restore the required amount to the fund.

(3) The authority may create and establish other subfunds as are necessary or desirable for its purposes.

Amended by Chapter 324, 2010 General Session

53B-12-105. Agreement with loan holders -- Terms unalterable.

(1) The rights vested in the board to fulfill the terms of an agreement made with the holder of a guaranteed loan shall not be limited or altered nor shall the rights and remedies of the holder be impaired in any manner until the guaranteed loan is fully met and discharged.

(2) An agreement with the holder of a guaranteed loan shall include a statement to this effect.

Enacted by Chapter 167, 1987 General Session

53B-12-106. Guarantee agreements and expenses limited to funds of the authority.

(1) The guarantee of a loan under this chapter shall not be considered the loaning of credit of the state or any of its political subdivisions nor shall it be payable from funds other than those of the authority.

(2) A guarantee agreement shall contain on its face a statement to the effect that: (a) the authority is obligated to pay the agreement solely from the revenues or other funds of the authority; (b) neither the state nor its political subdivisions are obligated to pay the agreement; and (c) neither the faith and credit nor the taxing power of the state or its political subdivisions is pledged to the payment of the guarantee agreement.

(3) An expense incurred in carrying out this chapter is payable solely from funds provided under this chapter.

(4) Nothing in this chapter authorizes the authority to incur indebtedness or liability on behalf of, or payable by, the state or its political subdivisions.

Enacted by Chapter 167, 1987 General Session

53B-12-107. Annual report -- Annual audit -- Reimbursement of state auditor.

(1) Following the close of each fiscal year, the authority submits an annual report of its activities for the preceding year to the governor and the Legislature.

(2) Each report shall include a complete operating and financial statement of the authority during the fiscal year it covers.

(3) The state auditor shall at least once in each year audit the books and accounts of the authority or contract with an independent certified public accountant for this audit.

(4) The authority shall reimburse the state auditor from its available money for the actual and necessary costs of the audit.

Enacted by Chapter 167, 1987 General Session

53B-12-108. State grants to the authority.

(1) The state may make grants of money or property to the authority to enable it to carry out its purposes and exercise its powers, including grants to the Utah Higher Education Assistance Authority Guarantee Fund.

(2) This section does not limit the power the state has to make grants to the authority.

Enacted by Chapter 167, 1987 General Session

53B-13-101. Short title of chapter.

This chapter is known as the "Higher Education Loan Act."

Enacted by Chapter 167, 1987 General Session

53B-13-102. Definitions.

As used in this chapter:

(1) "Bonds" means the bonds authorized to be issued by the board under this chapter, and may consist of bonds, notes, or debt obligations evidencing an obligation to repay borrowed money and payable solely from revenues and other money of the board pledged for repayment.

(2) "Eligible borrower" means a person, or the parent of a person, who is eligible to borrow under regulations applicable to the student loan program.

(3) "Eligible institution" means an institution which is approved by the board and the United States Secretary of Education for purposes of the guaranteed loan program.

(4) "Obligations" means student loan notes and other debt obligations reflecting loans to students which the board may take, acquire, buy, sell, or endorse under this chapter, and may include a direct or indirect interest in the whole or any part of the notes or obligations.

(5) "Resolution," when used in relation to the issuance of bonds, means the resolution or trust agreement securing the bonds.

(6) "Student" means a person who, under rules promulgated by the board, is enrolled or accepted for enrollment at an eligible institution and who is making suitable progress in his education toward obtaining a degree or other appropriate certification in accordance with standards acceptable to the board.

Enacted by Chapter 167, 1987 General Session

53B-13-103. Powers of Board of Regents.

The board has the powers necessary to carry out the purposes of this chapter, including the following:

(1) to accept gifts, grants, loans, and other aids or amounts from a person, corporation, or governmental agency;

(2) to loan money to eligible borrowers to assist them in obtaining a post-high school education by attending an eligible institution, including refinancing or

consolidating obligations previously incurred by eligible borrowers with other lending sources for this purpose and participating in loans to eligible borrowers for this purpose with other lending sources;

(3) to acquire, purchase, or make commitments to purchase, and take assignments from lenders of obligations. No obligation is eligible for acquisition, purchase, or commitment to purchase by the board unless at or before the time of transfer to the board the lender certifies either: (a) that, under and to the extent required by rules and regulations of the board, the proceeds of sale or its equivalent shall be reinvested in other obligations under the student loan program; or (b) that the obligation was made in anticipation of its sale to the board under rules and regulations of the board promulgated under this chapter;

(4) to enforce its rights under a contract or agreement including the commencement of court action;

(5) to acquire, hold, and dispose of real and personal property necessary for the accomplishment of the purposes of this chapter;

(6) to obtain insurance against losses which may be incurred in connection with its property, assets, activities, or the exercise of the powers granted under this chapter;

(7) to borrow money and to issue its bonds and provide for the rights of bondholders and to secure the bonds by assignment, pledge, or granting a security interest in its property including all or a part of an obligation. The state is not liable for the repayment of bonds issued by the board. The bonds issued by the board are not a debt of the state, and each bond shall contain on its face a statement to this effect;

(8) to invest funds not required for immediate use or disbursement as provided in the State Money Management Act;

(9) subject to a contract with the holders of its bonds, an applicable bond resolution, or a contract with the recipient of a loan, to consent to the modification, with respect to security, rate of interest, time of payment of interest or principal, or other term of a bond contract or agreement between the board and a recipient of a loan, bondholder, or agency or institution guaranteeing the repayment of an obligation;

(10) to engage and appoint officers, agents, employees, and other private consultants to render and perform professional and technical duties, assistance, and advice in carrying out the purposes of this chapter, to describe their duties, and to fix the amount and source of their compensation;

(11) to make rules and regulations governing the activities authorized under this chapter;

(12) to solicit grants and contributions from the public or from any government or governmental agency and to arrange for the guaranteeing of the repayment of obligations by other agencies of this state or the United States;

(13) to collect fees and charges in connection with its loans, commitments, and servicing, including reimbursement of the costs of financing, service charges, and insurance premiums which are determined as reasonable and are approved by the board;

(14) to sell obligations held by the board at such prices and at such times as it may determine, when that sale would not impair the rights or interests of holders of bonds issued by the board; and

(15) to participate in federal programs supporting loans to eligible borrowers and

to agree to, and comply with, the conditions of those programs.

Enacted by Chapter 167, 1987 General Session

53B-13-104. Issuance of bonds -- Disposition of funds -- Refunding bonds -- Resolution to authorize bonds -- Contents -- Sale of bonds -- Bond debt service reserve funds -- Restoration of fund assets -- Establishment of other subfunds.

(1) The board may issue its bonds in the principal amounts necessary to provide funds for achieving its purposes under this chapter, including the payment of interest, the establishment of reserves to secure the bonds, and other expenditures of the board necessary to carry out its purposes and powers.

(2) The board may issue refunding bonds when it considers refunding expedient, whether the bonds to be refunded have or have not matured.

(3) The proceeds of the refunding bonds shall be applied to the purchase, redemption, or payment of the bonds refunded.

(4) Except as otherwise expressly provided in a resolution authorizing bonds, an issue of bonds is a special obligation of the board to be satisfied only out of revenue or money of the board, subject to an agreement with the holders of particular receipts or revenues of the board which have been pledged.

(5) The board shall authorize its bonds by resolution.

(6) The bonds are fully negotiable for all purposes, shall bear a date, shall be serial bonds or term bonds or both and, if serial bonds, shall be payable either semiannually or annually, and shall mature at a time or times, not exceeding 40 years after the date of issue, as provided in the resolution.

(7) The resolution shall specify the following:

(a) either the interest rate or rates or a formula by means of which the interest rate or rates are determined during the time the bonds are outstanding;

(b) denomination and form, either coupon or registered;

(c) registration privileges;

(d) manner of execution;

(e) medium of payment; and

(f) place and terms for the redemption of the bonds.

(8) If the resolution sets forth a formula by means of which the interest rate or rates on the bonds are determined, it shall also state the maximum rate which the bonds may bear under the formula.

(9) Pursuant to the resolution or another instrument, the board may delegate to the chair, vice-chair, or chair of the Budget and Finance Subcommittee the authority:

(a) to approve any changes with respect to interest rate, price, amount, redemption features, and other terms of the bonds as are within reasonable parameters set forth in the resolution; and

(b) to approve and execute all documents relating to the issuance of the bonds.

(10) The bonds are sold by the board in such manner and at such a price as the board determines.

(11) (a) The board may create and establish one or more bond debt service reserve funds in order to secure its bonds from the following:

(i) any proceeds of the sale of bonds, to the extent provided in the resolution

authorizing the issuance of the bonds;

(ii) any money appropriated and made available by the state for the purpose of the funds; and

(iii) any other money available to the board for the purpose of the funds.

(b) All money held in any bond debt service reserve fund shall be used, as provided in the resolution establishing the fund, to pay principal of, premium, and interest on bonds of the board issued under this chapter.

(c) If the assets in any bond debt service reserve fund are less than the amount currently required in the authorizing resolution to be on deposit, the chairman of the board shall, annually before the second day of December, certify to the governor and to the director of finance the amount necessary to restore the assets of the funds to the required amount.

(d) The governor may request from the Legislature an appropriation of the certified amount in order to restore the required amount to the funds.

(12) The board may create and establish any other subfunds and accounts as may be necessary for its corporate purposes.

Amended by Chapter 271, 1992 General Session

53B-13-105. Agreements with bondholders unalterable.

(1) Neither limitations or alterations of the rights vested in the board to fulfill the terms of an agreement made with bondholders nor impairment of the rights and remedies of those bondholders may occur until: (a) the bonds, together with interest on the bonds and interest on unpaid installments of interest are met and discharged; and (b) all costs and expenses in connection with an action or proceeding by or on behalf of those bondholders are met and discharged.

(2) The board may include provisions to this effect in an agreement with the holders of the bonds.

Enacted by Chapter 167, 1987 General Session

53B-13-106. Investments in bonds of the board.

The bonds of the board are securities, in which public officers and bodies of this state, municipalities and municipal subdivisions, insurance companies and associations, persons carrying on an insurance business, banks, trust companies, savings banks and savings associations, saving and loan associations, investment companies, administrators, guardians, executors, trustees, other fiduciaries, and all other persons who are authorized to invest in bonds or other obligations of the state, may properly and legally invest funds, including capital, in their control or belonging to them.

Enacted by Chapter 167, 1987 General Session

53B-13-107. Payment of funds -- Payment on warrants -- Contracts with bondholders -- Security.

(1) The funds of the board, except as otherwise authorized or provided in this

section, are paid to the state treasurer.

(2) The money in the accounts is paid out on warrants signed by the State Division of Finance on requisition of the chairman of the board or of a board authorized officer or employee.

(3) The board, subject to the approval of the state treasurer, may contract with the holders of its bonds as to the custody, collection, securing, investment, and payment of money of the board or of money held in trust or otherwise for the payment of bonds.

(4) Money held in trust or otherwise for the payment of bonds or to secure bonds and deposits of the money may be secured in the same manner as money of the board.

(5) Banks and trust companies are authorized to give such security for the deposits.

Amended by Chapter 342, 2011 General Session

53B-13-108. Bonds and interest exempt from taxation except corporate franchise tax.

The bonds issued under this chapter and the interest on the bonds are exempt from all taxation in this state, except for the corporate franchise tax.

Enacted by Chapter 167, 1987 General Session

53B-13-109. Board pledges -- Attachment of lien -- Recording unnecessary.

(1) A pledge made by the board is valid and binding from the time the pledge is made.

(2) The money or property pledged and subsequently received by the board is immediately subject to the lien of the pledge without physical delivery or further act.

(3) The lien of the pledge is valid and binding against all parties having a claim in tort, contract, or otherwise against the board, irrespective of whether the parties have notice of the claim.

(4) Neither the resolution nor another instrument by which a pledge is created need be recorded.

Enacted by Chapter 167, 1987 General Session

53B-13-110. Default by board -- Appointment of a trustee -- Powers of the trustee and bondholders.

(1) If the board defaults in the payment of principal of or interest on an issue of bonds after the issue becomes due, whether at maturity or upon call for redemption, and the default continues for 30 days, or if the board fails or refuses to comply with this chapter, or defaults in an agreement made with the holders of an issue of bonds, the holders of 25% of the aggregate principal amount of the bonds of the issue then outstanding, may appoint a trustee to represent all holders of that issue of bonds for the purposes provided in this section.

(2) The trustee may, and upon written request of the holders of 25% of the

aggregate principal amount of the bonds of the issue then outstanding shall, in his own name by action or proceeding enforce all rights of the bondholders including the following:

- (a) bringing an action to require the board to collect fees, charges, interest, and amortization payments of loans made by it adequate to carry out the agreement as to, or pledge of, the fees, charges, interest, and amortization payment on the loans and other properties;

- (b) bringing an action to require the board to carry out other agreements with the holders of the bonds and to perform its duties under this chapter;

- (c) bringing an action upon the bonds; or

- (d) bringing an action to require the board to account as if it were the trustee of an express trust for the holders of the bonds due and payable, and if all defaults are made good, then, with the consent of the holders of 25% of the principal amount of the issue of bonds then outstanding, to annul the declaration and its consequences.

(3) The holders of bonds and the trustee authorized by this section shall have all of the rights to which they are entitled by virtue of provisions included in the bonds or otherwise available to them under law.

Enacted by Chapter 167, 1987 General Session

53B-13-111. Loans or purchase of obligations -- Rules -- Options -- Repayment of federally insured loans.

(1) The board may purchase obligations from lenders or make loans to eligible borrowers, out of money available to the board for loans. The board shall promulgate rules for determining the needs of the respective borrowers for loans and for the purpose of making loans or purchasing obligations. The amount of an obligation purchased by the board or of a loan made by the board to an eligible borrower, whether enrolled or to be enrolled in a private institution or a tax-supported public institution, is determined by the board upon the basis of substantially similar standards and guides set forth in the board's rules. The board, in determining the needs of eligible borrowers for guaranteed loans, may consider the amount of assistance available to the students.

(2) When the board purchases an obligation or makes a loan, and again immediately before a repayment schedule on the loan or obligation is signed by the borrower, the board shall cause a written statement to be delivered to the borrower describing in detail whether an option exists and, if so, who may exercise the option, under what conditions the option may be exercised, and what options are available relating to the following:

- (a) the term of the loan;

- (b) the repayment period on the loan;

- (c) an extension of the term or repayment period on the loan and the conditions of repayment under the extension;

- (d) a deferment or forbearance on the repayment of the loan or on interest accruing on the loan, whether interest is to be paid during the deferment or forbearance, and the terms of repayment after the deferment or forbearance;

- (e) the period of time between installment payments on the loan and whether graduated or unequal installment payments may be made;

(f) the minimum annual payment on the loan, and if more than one loan is taken from the board or if the borrower takes or has taken an educational loan from another source, the availability of consolidation, transfer, or assignment of the loans and the minimum annual payment on the aggregate of the loans;

(g) the granting of an interview before or at the time the borrower signs a repayment schedule; and

(h) the revision or renegotiation of the repayment schedule on the loan after repayment has commenced, or if other educational loans from the board or another source are taken after the repayment has commenced.

(3) On obligations purchased or loans made by the board which are federally insured loans, the board may establish variable repayment schedules conforming to the need and documented income levels of borrowers, if the schedules are not inconsistent with federal laws, rules, or regulations governing the insured loans. A borrower making payments on a loan may request and be granted a revised repayment term or schedule based upon the established variable repayment schedules.

Enacted by Chapter 167, 1987 General Session

53B-13-112. Separation of duties, responsibilities, funds, liabilities, and expenses -- Immunity from personal liability.

(1) The duties, responsibilities, funds, liabilities, and expenses of the board under this chapter shall be maintained wholly separate and apart from their other duties, responsibilities, funds, liabilities, and expenses.

(2) A member of the board or a person executing the notes, bonds, or other obligations of the board is not personally liable for the repayment of the note, bond, or other obligation or subject to personal liability or accountability by reason of its issuance or nonissuance.

Enacted by Chapter 167, 1987 General Session

53B-13-113. Bond approval by attorney general incontestable after 30 days -- Recital of certification.

(1) The attorney general shall examine the resolutions and proceedings authorizing the issuance and confirming the sale of bonds under this chapter.

(2) Once examined and certified as legal obligations by the attorney general, the bonds become incontestable in any court in the state unless suit is brought in a court having jurisdiction within 30 days from the date of certification.

(3) The bonds certified under this section shall contain a recital on their face as follows: "This bond is one of a series of bonds which were certified as legal obligations by the Attorney General of the state of Utah on _____."

(4) Bonds authorized, issued, and sold under resolutions and proceedings certified by the attorney general are valid and binding obligations according to their terms.

Enacted by Chapter 167, 1987 General Session

53B-13-114. Mandamus in Supreme Court -- Precedence.

(1) If an official required by the proceeding authorizing bonds under this chapter to sign the bonds refuses to affix his signature to them, or if the attorney general refuses to certify the bonds as legal obligations, alleging illegality of the bonds, the board may bring an original action in mandamus in the Supreme Court of Utah.

(2) The importance to the state and its inhabitants of the program of loans to eligible borrowers is such that this action brought in the Supreme Court should be given precedence over the other matters pending before the court, and the court is requested to give this action precedence and to render its decision concerning it at the earliest possible time.

Enacted by Chapter 167, 1987 General Session

53B-13a-101. Title.

This chapter is known as the "Success Stipend Program Act."

Amended by Chapter 11, 2011 General Session

53B-13a-102. Definitions.

As used in this chapter:

(1) (a) "Cost of attendance" means the estimated costs associated with attending an institution, as established by the institution in accordance with board policies.

(b) "Cost of attendance" includes costs payable to the institution, other direct educational expenses, transportation, and living expenses while attending the institution.

(2) (a) "Eligible student" means a financially needy student who is:

(i) unconditionally admitted to and enrolled at a Utah postsecondary institution on at least a half-time basis, as defined by the board, in an eligible postsecondary program leading to a defined education or training objective, as defined by the board;

(ii) making satisfactory academic progress, as defined by the institution in published policies or rules, toward an education or training objective; and

(iii) (A) a resident student under Section 53B-8-102 and rules of the board; or

(B) exempt from paying the nonresident portion of total tuition under Section 53B-8-106.

(b) "Eligible student" does not include a graduate student.

(3) "Financially needy student" means a student who demonstrates the financial inability to meet all or a portion of the cost of attendance at an institution for any period of attendance as defined by the board, after considering the student's expected family contribution.

(4) "Fiscal year" means the fiscal year of the state.

(5) "Program" means the Success Stipend Program.

(6) "Utah postsecondary institution" or "institution" means:

(a) an institution of higher education listed in Section 53B-2-101; or

(b) a Utah private, nonprofit postsecondary institution that is accredited by a regional accrediting organization recognized by the board.

Amended by Chapter 11, 2011 General Session

53B-13a-103. Establishment of the Success Stipend Program.

(1) The Legislature finds that:

(a) the prosperity, economic success, and general welfare of the people of Utah and of the state are directly related to the educational levels and skills of the citizens of the state; and

(b) financial assistance, to bridge the gap between a financially needy student's resources and the cost of attendance at a Utah postsecondary institution, is a necessary component for ensuring access to postsecondary education and training.

(2) There is created the Success Stipend Program to provide financial assistance to students who, after utilizing family and personal resources, federal assistance, and scholarships, demonstrate financial need.

Amended by Chapter 11, 2011 General Session

53B-13a-104. Guidelines for administration of the program.

(1) The board shall use the guidelines set forth in this section to develop and administer the program.

(2) (a) The board shall allocate money appropriated for the program to institutions to provide for either need-based grants or need-based work-study stipends, giving strong emphasis to need-based work-study stipends.

(b) Need-based grants or need-based work-study stipends are the only forms of student financial assistance for which program money may be used.

(c) The board may not use program money for administrative costs or overhead.

(d) An institution may not use more than 3% of its program money for administrative costs or overhead.

(3) The board shall design the program to utilize a packaging approach that ensures that institutions combine loans, grants, employment, and family and individual contributions toward financing the cost of attendance at a postsecondary institution.

(4) The board shall:

(a) use an appropriate need analysis system to determine a student's financial need for the purpose of awarding a program grant or work-study stipend; and

(b) base the criteria for awarding program funds to an institution or eligible student on assisting only the most financially needy students.

(5) The total sum of a program grant, a work-study stipend, other financial aid from any source, and the expected family and personal contribution, may not exceed the cost of attendance for an eligible student at an institution for a fiscal year.

(6) The board shall establish annually the minimum and maximum amounts for a program grant and a work-study stipend for the fiscal year.

(7) An institution shall award a program grant or work-study stipend on an annual basis but distribute the money one quarter or semester at a time, with continuing awards contingent upon the eligible student maintaining satisfactory academic progress as defined by the institution in published policies or rules.

(8) An institution shall award all program money without regard to an applicant's

race, creed, color, religion, sex, or ancestry.

(9) Students receiving financial assistance under the program are required to apply the money toward the cost of attendance at the institution attended, as established pursuant to board rules.

(10) The board shall adopt policies to implement this chapter and to ensure sound fiduciary administration of program money to accomplish program objectives.

(11) The board may require a participation agreement from an eligible postsecondary institution, which shall include an agreement to:

- (a) provide information needed by the board to administer the program;
- (b) comply with program rules;
- (c) submit annual reports as required by the board; and
- (d) cooperate in program reviews and financial audits as the board may determine to be necessary.

(12) The board shall annually report program outcomes to the governor and the Legislature's Higher Education Appropriations Subcommittee, including:

- (a) utilization of program money, including the:
 - (i) number of program recipients at each institution; and
 - (ii) average amount of financial assistance provided;
- (b) benefits in fulfillment of the purposes established for the program; and
- (c) any recommendations for program modification, including recommended funding levels.

(13) The board shall regularly provide information to students on professional training and degree programs available in the state through online career and educational exploration tools.

Amended by Chapter 11, 2011 General Session

53B-13a-105. Disbursal of financial aid -- Additional resources.

(1) The board shall allocate the money available under the program to each Utah postsecondary institution in the same proportion as the amount of Pell Grant money received by the institution for resident undergraduate students during the most recently completed fiscal year that Pell Grants were given bears to the total Pell Grant money received by all Utah postsecondary institutions for resident undergraduate students during that same year.

(2) The board may accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of granting student financial aid in addition to that funded by the state.

Amended by Chapter 10, 2004 General Session

53B-13b-101. Title.

This chapter is known as the "Veterans Tuition Gap Program Act."

Enacted by Chapter 87, 2014 General Session

53B-13b-102. Definitions.

As used in this chapter:

(1) "Federal program" means the Post-9/11 Veterans Educational Assistance Act of 2008, Pub. L. No. 110-252.

(2) "Institution of higher education" or "institution" means a:

(a) credit-granting higher education institution within the state system of higher education; or

(b) an institution of higher learning, as defined in the federal program, that is located in the state.

(3) "Program" means the Veterans Tuition Gap Program created in this chapter.

(4) (a) "Qualifying military veteran" means an individual who:

(i) is a resident student under Section 53B-8-102 and rules of the board;

(ii) is accepted into an institution and enrolled in a program leading to a bachelor's degree;

(iii) has qualified for the federal program;

(iv) has maximized the federal benefit under the federal program; and

(v) has not completed a bachelor's degree.

(b) "Qualifying military veteran" does not include a family member.

Enacted by Chapter 87, 2014 General Session

53B-13b-103. Establishment of the Veterans Tuition Gap Program.

There is established a Veterans Tuition Gap Program to serve qualifying military veterans with tuition assistance at institutions of higher education when federal benefits under the federal program are no longer available and a qualifying military veteran has not finished a bachelor's degree.

Enacted by Chapter 87, 2014 General Session

53B-13b-104. Guidelines for administration of the program.

(1) The board shall use the guidelines in this section to develop policies to implement and administer the program.

(2) (a) The board shall allocate money appropriated for the program to institutions to provide grants for qualifying military veterans.

(b) The board may not use program money for administrative costs or overhead.

(c) An institution may not use more than 3% of its program money for administrative costs or overhead.

(d) Money returned to the board under Subsection (3)(b) shall be used for future allocations to institutions.

(3) (a) An institution shall award a program grant to a qualifying military veteran on an annual basis but distribute the money one quarter or semester at a time, with continuing awards contingent upon the qualifying military veteran maintaining satisfactory academic progress as defined by the institution in published policies or rules.

(b) At the conclusion of the academic year, money distributed to an institution that was not awarded to a qualifying military veteran or used for allowed administrative purposes shall be returned to the board.

(4) A qualifying military veteran may receive a program grant until the earlier of the following occurs:

(a) the qualifying military veteran completes the requirements for a bachelor's degree; or

(b) 12 months from the time that the qualifying military veteran receives an initial program grant.

(5) A qualifying military veteran who receives a program grant may only use the grant toward tuition at an institution of higher education in the state.

(6) The board may accept grants, gifts, bequests, and devises of real and personal property from any source for the purpose of awarding grants to qualifying military veterans in addition to those funded by the state.

Enacted by Chapter 87, 2014 General Session

53B-14-101. Student loan delinquent or in default -- Authority to collect.

If a National Direct Student Loan or a student loan made under Title 53B, Chapter 11 or 12, is delinquent or in default, the state college, university, or board of regents responsible for collection of the loan may proceed under this chapter to collect the loan.

Enacted by Chapter 167, 1987 General Session

53B-14-102. Mailing of notice of default -- Contents of notice.

(1) Upon default in payment of a student loan or an installment payment on a student loan, the entity responsible for collecting the loan may send a notice, by certified mail, to the borrower at the borrower's last known address.

(2) The notice shall state the following:

(a) the date and amount of the loan;

(b) the balance of the loan;

(c) the amount of delinquent installments and the dates they were due;

(d) a demand for immediate payment of delinquent installments;

(e) the right of the borrower to file a written response to the notice, to have a hearing, to be represented at the hearing, and to appeal any decision of the hearing examiner;

(f) the time within which a written response must be filed; and

(g) the power of the college, university, or board upon the failure of the borrower to respond or upon a decision of the hearing examiner adverse to the borrower, to obtain an order under this chapter and to execute upon income tax overpayments or refunds of the borrower.

Enacted by Chapter 167, 1987 General Session

53B-14-103. Failure to receive response or payment after notice -- Authority to collect balance.

If a written response or payment of delinquent installments is not received by the college, university, or board within 15 days from the date of receipt of the notice by the

borrower, the college, university, or board may determine the balance due and proceed to collect the balance as provided in Section 53B-14-106.

Enacted by Chapter 167, 1987 General Session

53B-14-104. Hearing set after receipt of written notice -- Notice of hearing.

If a written response to the notice sent under Section 53B-14-102 is received by the college, university, or board, a hearing is set within 30 days of the receipt of the response, and written notice of the hearing is mailed to the borrower at least 15 days before the date for the hearing.

Enacted by Chapter 167, 1987 General Session

53B-14-105. Designation of hearing examiner -- Representation at hearing -- Findings and order of examiner -- Continuance of hearing.

(1) The hearing under Section 53B-14-104 is held before a hearing examiner designated by the college, university, or board.

(2) The examiner may not be an officer or employee of the division or office of the college, university, or board responsible for collecting or administering student loans.

(3) The borrower and college, university, or board may be represented at the hearing by an attorney or other person, and may present evidence, exhibits, testimony, witnesses, and other material regarding the student loan, payments, and default as are relevant.

(4) The hearing examiner shall make specific written findings on the student loan, payments, default, and the balance due and shall enter a written order.

(5) If the hearing examiner finds the borrower has defaulted, the order shall state the fact of default and the balance due on the loan including interest. If the examiner finds no default, the order shall dismiss the claim.

(6) The findings and order of the hearing examiner are filed with the college, university, or board and copies mailed to the borrower within 10 days after conclusion of the hearing.

(7) The hearing may be continued by agreement of the parties and approval of the hearing examiner or upon order of the hearing examiner.

Enacted by Chapter 167, 1987 General Session

53B-14-106. Order stating default -- Filing with tax commission -- Lien of order.

(1) An abstract of an order of a hearing examiner stating a default under Section 53B-14-105 may be filed with the State Tax Commission and, when filed, constitutes a lien to the extent of the balance due plus interest against any state income tax refund or overpayment due or to become due to the borrower for a period of eight years from the date of the order unless satisfied or otherwise released in writing by the college, university, or board.

(2) The lien created by this section is, for the purposes of Section 59-10-529

only, a judgment, but no credit of a tax refund or overpayment shall be made on account of the lien until 20 days after the date of the hearing examiner's order.

Enacted by Chapter 167, 1987 General Session

53B-14-107. Judicial review of order -- Filing complaint -- Hearing de novo -- Stay of action on lien by tax commission.

(1) Judicial review of an order of a hearing examiner issued under Section 53B-14-105 is obtained by any party by filing a complaint with the district court within 20 days after the date of the order.

(2) If a complaint is filed, the matter is heard by the district court de novo.

(3) A notice of the filing of a complaint may be filed with the State Tax Commission and, if filed, the tax commission shall take no action with respect to the lien created under Section 53B-14-106 until the matter is finally disposed of by the district court or on appeal from the district court, except as provided in this chapter.

Enacted by Chapter 167, 1987 General Session

53B-14-108. Complaint filed -- Bond furnished by borrower -- Terms of bond.

(1) If a complaint is filed under Section 53B-14-107, the borrower may furnish to the tax commission a bond, with good and sufficient sureties, in the amount of the balance of the loan or the amount of any overpayment or refund due, whichever is less.

(2) The lien created under Section 53B-14-106 is then dissolved as to that overpayment or refund and the overpayment or refund released to the borrower.

(3) The bond shall provide that the surety will pay, upon a final determination adverse to the borrower, the amount of the bond, or a lesser amount as the court may determine, to the tax commission for the use and benefit of the college, university, or board obtaining the order.

Enacted by Chapter 167, 1987 General Session

53B-14-109. Rules for hearings.

The board may adopt rules for the implementation of Sections 53B-14-104 and 53B-14-105, including rules for the conduct of hearings and appointment of hearing examiners.

Enacted by Chapter 167, 1987 General Session

53B-15-101. Definitions.

As used in this chapter:

(1) "Disposable earnings" means the part of an employee's earnings remaining after the deduction of all amounts required by law to be withheld.

(2) "Earnings" or "earnings from personal services" means compensation paid or payable for personal services, whether designated as wages, salary, commission, bonus, or otherwise, and includes periodic payments under a pension or retirement

program.

(3) "Public employee" means any employee, officer, or servant of the state of Utah, or any office, department, agency, authority, commission, board, institution, hospital, college, university, or other instrumentality of the state, or of any county, city, town, school district, special improvement or taxing district, or any other political subdivision or public corporation of or within the state.

Enacted by Chapter 167, 1987 General Session

53B-15-102. Collection of defaulted student loan from public employee.

If a National Direct Student Loan or a student loan made to a public employee under Title 53B is delinquent or in default, the state college, university, or board responsible for collection of the loan may proceed under this chapter to collect the loan.

Enacted by Chapter 167, 1987 General Session

53B-15-103. Proceedings -- Notice -- Inspection of records -- Repayment -- Hearing.

When a state college, university, or board determines that a public employee is indebted to the state for debts arising from a defaulted student loan, it may initiate proceedings to collect the debt through deductions from earnings by providing the public employee with the following:

- (1) a minimum of 30 days' written notice as provided in Section 53B-14-102;
- (2) an opportunity to inspect and copy college, university, or board records relating to the debt;
- (3) an opportunity to enter into a written agreement with the college, university, or board, under terms agreeable to the college, university, or board, to establish a schedule for the repayment of the debt; and
- (4) an opportunity for a hearing on the determination of the college, university, or board concerning the existence or the amount of the debt in accordance with Sections 53B-14-104 and 53B-14-105 and judicial review of an order of a hearing examiner under Sections 53B-14-107 and 53B-14-108.

Enacted by Chapter 167, 1987 General Session

53B-15-104. Lack of response.

If a written response or payment of delinquent installments is not received by the college, university, or board within 15 days from the date of receipt of the notice by the public employee, the college, university, or board may determine the balance due and proceed to collect the balance as provided in Section 53B-15-105.

Enacted by Chapter 167, 1987 General Session

53B-15-105. Filing of abstract of order of default -- Lien -- Deduction from wages.

An abstract of an order of a hearing examiner stating a default may be filed with

the financial officer responsible for payment of the public employee's wages. When filed, the abstract constitutes a lien against 15% of the disposable earnings due, or to become due, to the public employee to the extent of the balance due plus interest. The financial officer shall deduct the amount subject to this lien from the public employee's disposable earnings, and remit the deducted amount to the college, university, or board, but no such amount shall be remitted to the college, university, or board until 20 days after the date of the hearing examiner's order.

Enacted by Chapter 167, 1987 General Session

53B-15-106. Personnel information.

Upon written request of the state college, university, or board, persons with access to personnel information regarding public employees shall disclose the mailing address of individuals who have defaulted under Section 53B-15-102 and who are current public employees for use by the college, university, or board in locating those individuals to collect student loan obligations.

Enacted by Chapter 167, 1987 General Session

53B-15-107. Reimbursed costs.

The public employer may obtain reimbursement for costs incurred in providing the information requested under Section 53B-15-106 through the state college, university, or board, which costs are the responsibility of and collectible from the public employee.

Enacted by Chapter 167, 1987 General Session

53B-16-101. Establishment of institutional roles and general courses of study.

(1) Except as institutional roles are specifically assigned by the Legislature, the board may establish and define the roles of the various institutions of higher education under its control and management and shall prescribe the general course of study to be offered at each institution.

(2) In establishing and defining institutional roles, the board shall consider the traditional roles of the separate institutions.

Enacted by Chapter 167, 1987 General Session

53B-16-102. Changes in curriculum -- Substantial alterations in institutional operations -- Periodic review of programs -- Career and technical education curriculum changes.

(1) Under procedures and policies approved by the board and developed in consultation with each institution of higher education, each institution may make such changes in its curriculum as necessary to better effectuate the institutional role previously approved by the board.

(2) Notice of a change in the curriculum shall in all cases be promptly submitted

to the board.

(3) The board shall establish procedures and policies for considering institutional proposals for substantial alterations in the scope of existing institutional operations.

(4) Alterations shall not be made without prior approval of the state board.

(5) For purposes of this section, "substantial alteration" means the establishment of a branch, extension center, college, professional school, division, institute, department, or a new program in instruction, research, or public services or a new degree, diploma, or certificate.

(6) The board shall conduct periodic reviews of all programs of instruction, research, and public service at each institution, including those funded by gifts, grants, and contracts, and may require the modification or termination of any program.

(7) Prior to requiring modification or termination of a program, the board shall give the institution adequate opportunity for a hearing before the board.

(8) In making decisions related to career and technical education curriculum changes, the board shall request a review of the proposed changes by the State Board of Education and the Utah College of Applied Technology to ensure an orderly and systematic career and technical education curriculum that eliminates overlap and duplication of course work with the high schools and the Utah College of Applied Technology.

Amended by Chapter 346, 2009 General Session

53B-16-103. Granting of degrees, diplomas, or certification -- Board approval -- Termination of previous approval.

(1) (a) An institution of higher education may not issue a degree, diploma, or certificate unless it first receives approval from the board of the adequacy of the study for which the degree, diploma, or certificate is offered.

(b) A student shall demonstrate a reasonable understanding of the history, principles, form of government, and economic system of the United States prior to receiving a bachelor's degree or teaching credential.

(2) Degrees, diplomas, and certificates issued prior to the effective date of this chapter do not require board approval.

(3) The board may terminate the granting of previously approved degrees, diplomas, and certificates if they are inconsistent with the role prescribed by the board for the affected institution.

Amended by Chapter 137, 1988 General Session

53B-16-104. Restrictions on higher education entities bidding on architect or engineering services in public procurement projects.

(1) As used in this section:

(a) "Architect-engineer services" means those professional services within the scope of the practice of architecture as defined in Section 58-3a-102, or professional engineering as defined in Section 58-22-102.

(b) "Government entity" means a state agency, an institution of higher education, a county, a municipality, a local school district, a local district, or a special

service district.

(2) When a government entity elects to obtain architect or engineering services by using a competitive procurement process and has provided public notice of its competitive procurement process:

(a) a higher education entity, or any part of one, may not submit a proposal in response to the government entity's competitive procurement process; and

(b) the government entity may not award a contract to perform the architect or engineering services solicited in the competitive procurement process to a higher education entity or any part of one.

(3) (a) Subject to the prohibition contained in Subsection (3)(b), an employee of a higher education entity may, in a private capacity, submit a proposal in response to the competitive procurement process.

(b) An employee of a higher education entity may not use any supplies, materials, or other resources owned by, or any persons matriculating at, attending, or employed by, the higher education entity in:

(i) preparing a response to the competitive procurement process; or

(ii) completing any work, assignment, or contract awarded to the employee resulting from that competitive procurement process.

Amended by Chapter 329, 2007 General Session

53B-16-105. Common course numbering -- Credit by examination -- Transferability of credits -- Policies.

(1) The board shall:

(a) facilitate articulation and the seamless transfer of courses within the state system of higher education;

(b) provide for the efficient and effective progression and transfer of students within the state system of higher education;

(c) avoid the unnecessary duplication of courses; and

(d) allow students to proceed toward their educational objectives as rapidly as their circumstances permit.

(2) The board shall develop, coordinate, and maintain a transfer and articulation system within the state system of higher education that:

(a) maintains a course numbering system that assigns common numbers to specified courses of similar level with similar curricular content, rigor, and standards;

(b) allows students to transfer courses among institutions of higher education to meet requirements for general education and lower division courses that transfer to baccalaureate majors;

(c) improves program planning;

(d) increases communications and coordination between institutions of higher education; and

(e) facilitates student acceleration and the transfer of students and credits between institutions.

(3) (a) The board shall identify general education courses in the humanities, social sciences, arts, physical sciences, and life sciences with uniform prefixes and common course numbers.

(b) All institutions of higher education shall accept the courses described under Subsection (3)(a) toward filling specific area requirements for general education or lower division courses that transfer to baccalaureate majors.

(4) (a) The board shall identify common prerequisite courses and course substitutions for degree programs across all institutions of higher education.

(b) The commissioner shall appoint committees of faculty members from the institutions of higher education to recommend appropriate courses of similar content and numbering that will satisfy requirements for lower division courses that transfer to baccalaureate majors.

(c) All institutions of higher education shall accept the courses approved under Subsection (4)(a) toward filling graduation requirements.

(5) The board shall identify minimum scores and maximum credit for each:

(a) College Level Examination Program (CLEP) general examination;

(b) College Level Examination Program (CLEP) subject examination;

(c) College Board advanced placement examination; and

(d) other examination for credit.

(6) (a) Institutions of higher education shall award credit if competencies have been demonstrated by passing a challenge examination.

(b) Institutions of higher education shall award credit for the specific courses for which competency has been demonstrated by successfully passing a challenge examination described under Subsection (5)(a) unless the award of credit duplicates credit already awarded.

(7) The board shall establish policies to administer the policies and requirements under Subsections (2) through (6).

(8) The board shall include information demonstrating that institutions of higher education are complying with the provisions of this section and the policies established in accordance with Subsection (7) in the annual report of its activities to the governor and to the Legislature required under Section 53B-1-107.

Enacted by Chapter 125, 2004 General Session

53B-16-106. Board to establish electronics engineering program at Weber State University.

(1) The board shall approve a proposal submitted by Weber State University, in accordance with Section 53B-16-102 and board policy, to establish a bachelor of science degree program in electronics engineering.

(2) Weber State University shall establish the program described in Subsection (1) within existing budgets and with no additional appropriation.

Enacted by Chapter 400, 2010 General Session

53B-16-107. Credit for military service and training -- Notification -- Transferability -- Reporting.

(1) As used in this section, "credit" includes proof of equivalent noncredit course completion awarded by the Utah College of Applied Technology.

(2) An institution of higher education listed in Section 53B-2-101 shall provide

written notification to each student applying for admission that the student is required to meet with a college counselor in order to receive credit for military service and training as recommended by a postsecondary accreditation agency or association designated by the State Board of Regents or the Utah College of Applied Technology Board of Trustees if:

- (a) credit for military service and training is requested by the student; and
 - (b) the student has met with an advisor at an institution of higher education listed in Section 53B-2-101 at which the student intends to enroll to discuss applicability of credit to program requirements, possible financial aid implications, and other factors that may impact attainment of the student's educational goals.
- (3) Upon transfer within the state system of higher education, a student may present a transcript to the receiving institution for evaluation and to determine the applicability of credit to the student's program of study, and the receiving institution shall evaluate the credit to be transferred pursuant to Subsection (2).
- (4) The State Board of Regents and the Utah College of Applied Technology Board of Trustees shall annually report the number of credits awarded under this section by each institution of higher education to the Education Interim Committee and the Utah Department of Veterans' Affairs.

Amended by Chapter 215, 2014 General Session

53B-16-201. Degrees and certificates that may be conferred.

- (1) Utah State University, Snow College, and Salt Lake Community College may confer certificates of completion and degrees as determined by the State Board of Regents.
- (2) The board shall develop evaluative criteria as a means of carefully monitoring the impact of degree programs on the vocational mission of the colleges.

Amended by Chapter 211, 2010 General Session

53B-16-202. Curricula at the community colleges.

The curricula at the colleges shall include vocational and technical education, courses of a general nature which can be transferred to other higher education institutions, adult and continuing education, and developmental education. The colleges also provide needed community service. Vocational and technical education continues as the highest priority role of the colleges; and to ensure its continued emphasis, the Board of Regents shall develop specific funding mechanisms which will maintain the high priority treatment of these programs and address the fact that many vocational programs are more costly than general education/transfer programs.

Renumbered and Amended by Chapter 8, 1987 General Session

53B-16-203. Qualifications for entrance to community colleges -- Preference to veterans.

- (1) The colleges shall give enrollment preference to veterans who furnish proof of other than a dishonorable discharge from the armed forces of the United States.

(2) Admission at the colleges is based upon an individual's interest, ability, and potential for the desired occupational area and payment of the required tuition or fee. The colleges may not deny admission on the basis of an individual's previous schooling or training.

Enacted by Chapter 137, 1988 General Session

53B-16-205. Establishment of Snow College Richfield campus -- Supervision and administration -- Transition -- Institutional mission.

(1) There is established a branch campus of Snow College in Richfield, Utah, hereafter referred to as the Snow College Richfield campus.

(2) Snow College shall administer the branch campus under the general control and supervision of the State Board of Regents as an integrated part of Snow College's mission, programs, and curriculum.

(3) Snow College shall:

(a) maintain a strong curriculum in career and technical education courses at the Snow College Richfield campus and within the region served by Snow College which can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education;

(b) work with school districts and charter schools in developing an aggressive concurrent enrollment program in cooperation with Snow College Richfield campus; and

(c) provide, through the Snow College Richfield Campus, for open-entry, open-exit competency-based career and technical education programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that emphasize short-term job training or retraining for immediate placement in the job market and serve the geographic area encompassing:

- (i) the Juab School District;
- (ii) the Millard School District;
- (iii) the Tintic School District;
- (iv) the North Sanpete School District;
- (v) the South Sanpete School District;
- (vi) the Wayne School District;
- (vii) the Piute School District; and
- (viii) the Sevier School District.

(4) Snow College may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of Snow College.

(5) Snow College shall report to the State Board of Regents annually on:

(a) the status of and maintenance of the effort for career and technical education in the region served by Snow College, including access to open-entry, open-exit competency-based career and technical education programs; and

(b) student tuition and fees.

(6) Legislative appropriations to Snow College's career and technical education shall be made as line items that are separate from other appropriations for Snow College.

Amended by Chapter 346, 2009 General Session

53B-16-205.5. Snow College Concurrent Education Program.

- (1) As used in this section:
 - (a) "Interactive video conferencing" means two-way, real-time transmission of audio and video signals between devices or computers at two or more locations.
 - (b) "Program" means the Snow College Concurrent Education Program.
- (2) Consistent with policies established by the State Board of Regents, Snow College shall establish and administer, subject to legislative appropriations, the Snow College Concurrent Education Program to provide:
 - (a) a consistent two-year schedule of concurrent enrollment courses delivered through interactive video conferencing to secondary school students;
 - (b) a pathway for a secondary school student to earn college credits that:
 - (i) apply toward earning an Associate of Science or Associate of Arts degree; or
 - (ii) satisfy scholarship requirements or other objectives that best meet the needs of an individual student; and
 - (c) advisory support to secondary school students who participate in the program and the secondary school students' school counselors to ensure that students' concurrent enrollment courses align with the students' academic and career goals.

Enacted by Chapter 69, 2014 General Session

53B-16-206. Snow College Economic Development and Workforce Preparation Advisory Committee -- Membership -- Duties.

- (1) Snow College shall have the Snow College Economic Development and Workforce Preparation Advisory Committee composed of the following 12 members:
 - (a) one economic development professional appointed by the Juab County legislative body;
 - (b) one economic development professional appointed by the Millard County legislative body;
 - (c) one economic development professional appointed by the Sanpete County legislative body;
 - (d) one economic development professional appointed by the Wayne County legislative body;
 - (e) one economic development professional appointed by the Piute County legislative body;
 - (f) one economic development professional appointed by the Sevier County legislative body;
 - (g) four representatives of business or industry employers within the region appointed by the Snow College Board of Trustees from nominations of the members appointed under Subsections (1)(a) through (f);
 - (h) one public education school district superintendent, appointed by the Snow College Board of Trustees, chosen from the school district superintendents serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts; and

(i) one public education school district career and technical education director, appointed by the Snow College Board of Trustees, chosen from the career and technical education directors serving in the Juab, Millard, Tintic, North Sanpete, South Sanpete, Wayne, Piute, and Sevier School Districts.

(2) (a) Except as provided in Subsection (2)(b), a member of the Snow College Economic Development and Workforce Preparation Advisory Committee shall serve for a term of four years.

(b) The president of Snow College shall adjust the length of the terms to ensure that the terms of committee members are staggered so that approximately half of the committee members are appointed every two years.

(3) The members of the Snow College Economic Development and Workforce Preparation Advisory Committee shall elect a chair of the committee from the committee's membership.

(4) The Snow College Economic Development and Workforce Preparation Advisory Committee shall meet upon the call of the chair or a majority of the committee members.

(5) The Snow College Economic Development and Workforce Preparation Advisory Committee shall:

(a) assess the economic development needs of central Utah and advise Snow College on how the college can improve the effectiveness of its efforts to assist business, industry, and local governments in efforts to expand economic activity and enhance the local economy; and

(b) review educational programs offered by Snow College, including career and technical education programs, and advise Snow College on how the college can improve its efforts to prepare students for employment in the region and enhance the skills of workers who are already employed.

Amended by Chapter 374, 2013 General Session

53B-16-207. Utah State University Eastern -- Career and technical education -- Supervision and administration -- Transition -- Institutional mission.

(1) Utah State University Eastern shall:

(a) maintain a strong curriculum in career and technical education courses at its campus and within the region it serves which can be transferred to other institutions within the higher education system, together with lower division courses and courses required for associate degrees in science, arts, applied science, and career and technical education;

(b) work with school districts and charter schools in developing an aggressive concurrent enrollment program; and

(c) provide for open-entry, open-exit competency-based career and technical education programs, at a low cost tuition rate for adults and at no tuition cost to secondary students, that emphasize short-term job training or retraining for immediate placement in the job market and serve the geographic area encompassing:

- (i) the Carbon School District;
- (ii) the Emery School District;
- (iii) the Grand School District; and

(iv) the San Juan School District.

(2) Utah State University Eastern may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of Utah State University Eastern.

(3) Utah State University Eastern shall report to the State Board of Regents annually on:

(a) the status of and maintenance of the effort for career and technical education in the region served by Utah State University Eastern, including access to open-entry, open-exit competency-based career and technical education programs; and

(b) student tuition and fees.

(4) Legislative appropriations to Utah State University Eastern career and technical education shall be made as line items that are separate from other appropriations for Utah State University Eastern.

Amended by Chapter 465, 2013 General Session

53B-16-208. Utah State University Eastern -- Career and technical education advisory committee -- Membership -- Duties.

(1) Utah State University Eastern shall have a career and technical education advisory committee composed of the following 11 members:

(a) one elected local school board member appointed by the board of education for the Carbon School District;

(b) one elected local school board member appointed by the board of education for the Emery School District;

(c) one elected local school board member appointed by the board of education for the Grand School District;

(d) one elected local school board member appointed by the board of education for the San Juan School District;

(e) one member of the Utah State University Eastern Regional Advisory Council appointed by the chancellor of Utah State University Eastern; and

(f) six representatives of business or industry within the region appointed by the chancellor of Utah State University Eastern from members of the program advisory committees overseeing career and technical education in the region.

(2) The career and technical education advisory committee shall:

(a) after consulting with Utah State University Eastern, school districts, and charter schools within its region, prepare a comprehensive strategic plan for delivering career and technical education within its region;

(b) make recommendations regarding what skills are needed for employment in Utah businesses and industries;

(c) recommend programs based upon the information gathered in accordance with Subsection (2)(b);

(d) review annual program evaluations;

(e) provide counsel, support, and recommendations for updating and improving the effectiveness of career and technical education programs and services, including expedited program approval and termination of procedures, consistent with Board of Regents' policy;

(f) monitor program advisory committees and other advisory groups to provide counsel, support, and recommendations for updating and improving the effectiveness of training programs and services; and

(g) coordinate with local school boards, districts, and charter schools to meet the career and technical education needs of secondary students.

Amended by Chapter 465, 2013 General Session

53B-16-209. Salt Lake Community College -- School of Applied Technology -- Career and technical education -- Supervision and administration -- Institutional mission.

(1) (a) There is hereby established a School of Applied Technology at Salt Lake Community College.

(b) Beginning on July 1, 2009, the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College shall be established as Salt Lake Community College's School of Applied Technology.

(2) Salt Lake Community College's School of Applied Technology is a continuation of the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College and shall:

(a) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College; and

(b) fulfill and perform all obligations of the Salt Lake Skills Center and the Salt Lake County portion of the Salt Lake/Tooele Applied Technology College.

(3) Salt Lake Community College shall administer the School of Applied Technology with the School of Applied Technology's Board of Directors as provided in Section 53B-16-210.

(4) Salt Lake Community College's School of Applied Technology shall:

(a) provide non-credit career and technical education for both secondary and adult students, with an emphasis primarily on open-entry, open-exit programs;

(b) ensure that economically disadvantaged, educationally disadvantaged, or other at-risk students have access to non-credit career and technical education;

(c) maintain a strong curriculum in non-credit career and technical education courses which can be articulated with credit career and technical education courses within the institution and within the state system of higher education;

(d) offer non-credit, basic instruction in areas such as reading, language arts, and mathematics that are necessary for student success in a chosen career and technical education or job-related program;

(e) offer the curriculum at:

(i) low cost to adult students, consistent with legislative appropriations to the School of Applied Technology; and

(ii) no tuition cost to secondary students;

(f) provide non-credit career and technical education that will result in:

(i) appropriate licensing, certification, or other evidence of completion of training; and

(ii) qualification for specific employment, with an emphasis on high demand,

high wage, and high skill jobs in business and industry;

(g) develop cooperative agreements within the geographic area served by the School of Applied Technology with school districts, charter schools, and other higher education institutions, businesses, industries, and community and private agencies to maximize the availability of instructional facilities; and

(h) after consulting with school districts and charter schools within the geographic area served:

(i) ensure that secondary students in the public education system have access to non-credit career and technical education at each School of Applied Technology location; and

(ii) prepare and submit an annual report to the State Board of Regents detailing:

(A) how the non-credit career and technical education needs of secondary students within the region are being met;

(B) what access secondary students within the region have to programs offered at School of Applied Technology locations;

(C) how the emphasis on high demand, high wage, and high skill jobs in business and industry is being provided; and

(D) student tuition and fees.

(5) Salt Lake Community College or its School of Applied Technology may not exercise any jurisdiction over career and technical education provided by a school district or charter school independently of Salt Lake Community College or its School of Applied Technology.

(6) Legislative appropriations to Salt Lake Community College's School of Applied Technology shall be made as a line item that separates it from other appropriations for Salt Lake Community College.

Enacted by Chapter 346, 2009 General Session

53B-16-210. Salt Lake Community College -- School of Applied Technology Board of Directors -- Membership -- Duties.

(1) Salt Lake Community College's School of Applied Technology shall have a board of directors composed of the following 14 members:

(a) one elected local school board member appointed by the board of education for the Salt Lake City School District;

(b) one elected local school board member appointed by the board of education for the Granite School District;

(c) one elected local school board member appointed by the board of education for the Canyons School District;

(d) one elected local school board member appointed by the board of education for the Jordan School District;

(e) one elected local school board member appointed by the board of education for the Murray School District;

(f) one member of the Salt Lake Community College board of trustees, appointed by the chair of the board of trustees;

(g) one representative of groups who advocate for or provide services to populations of disadvantaged students, appointed by the president of Salt Lake

Community College, in consultation with the School of Applied Technology's Board of Directors; and

(h) seven representatives of business or industry employers within the region, appointed by the president of Salt Lake Community College, in consultation with the School of Applied Technology's Board of Directors, from names provided by business and industry associations representing sectors that employ workers with career and technical education.

(2) The School of Applied Technology's Board of Directors shall:

(a) consult on an ongoing basis with:

- (i) Salt Lake Community College;
- (ii) school districts and charter schools within its region;
- (iii) business and industry;
- (iv) craft, trade, and apprenticeship programs;
- (v) the Department of Workforce Services;
- (vi) the Governor's Office of Economic Development; and
- (vii) the Governor's Office of Management and Budget;

(b) prepare a comprehensive strategic plan for delivering career and technical education within Salt Lake County;

(c) make recommendations regarding what skills are needed for employment in businesses and industries;

(d) recommend the development of programs based upon the information gathered in accordance with Subsection (2)(a), including expedited program approval and termination procedures to meet market needs;

(e) conduct annual program evaluations;

(f) jointly appoint School of Applied Technology program advisory committees and other School of Applied Technology program advisory groups with the dean of the School of Applied Technology to provide counsel, support, and recommendations for updating and improving the effectiveness of non-credit career and technical education programs and services;

(g) coordinate with local school boards, school districts, and charter schools to protect and enhance the non-credit career and technical education needs of secondary students;

(h) adopt an annual budget and fund balances for the School of Applied Technology;

(i) develop policies and procedures for the operation of the School of Applied Technology facilities under its jurisdiction;

(j) recommend credentials for employees and the assignment of employees to duties in accordance with:

- (i) State Board of Regents and Salt Lake Community College policies;
- (ii) the Council on Occupational Education accreditation guidelines; and
- (iii) the Northwest Commission on Colleges and Universities accreditation guidelines;

(k) develop policies and procedures for the admission, classification, instruction, and examination of students in accordance with the policies and accreditation guidelines of the Council on Occupational Education, the Northwest Commission on Colleges and Universities, the State Board of Regents, Salt Lake Community College

Board of Trustees, and the State Board of Education; and

(l) communicate regularly with the president of Salt Lake Community College regarding career and technical education issues.

(3) If a program advisory committee or other advisory group submits a written recommendation to the School of Applied Technology's Board of Directors, the board of directors shall acknowledge the recommendation with a printed response that explains the board of directors' action regarding the recommendation and the reasons for the action.

(4) (a) If the School of Applied Technology Board of Directors has specific recommendations to the Salt Lake Community College president, the recommendations shall be in a written form.

(b) Recommendations described under Subsection (4)(a) may include:

(i) additions, deletions, or expansions of non-credit career and technical education programs at Salt Lake Community College;

(ii) updates and improvements in the effectiveness of School of Applied Technology non-credit career and technical education programs and services, including expedited program approval and termination of procedures, consistent with Board of Regents' policy;

(iii) responsibilities described under Subsection (2); and

(iv) other recommendations relating to the non-credit career and technical education mission of Salt Lake Community College.

(c) If the president of Salt Lake Community College rejects a specific recommendation of the board of directors, the president shall:

(i) notify the board of directors in writing within 10 working days of the rejection and the reasons for the rejection; and

(ii) provide the board of directors an opportunity to modify its specific recommendation and resubmit it to the president.

(5) The president of Salt Lake Community College and the chair of the School of Applied Technology's Board of Directors shall annually meet with the Utah College of Applied Technology Board of Trustees to provide:

(a) the information described in Subsection 53B-16-209(4)(g); and

(b) a report on the implementation of specific recommendations described in Subsection (4).

(6) Salt Lake Community College School of Applied Technology shall provide staff support for the School of Applied Technology's Board of Directors.

Amended by Chapter 310, 2013 General Session

53B-16-211. Salt Lake Community College -- Educational program on the use of information technology.

(1) Salt Lake Community College shall offer an educational program on the use of information technology as provided in this section.

(2) An educational program on the use of information technology shall:

(a) provide instruction on skills and competencies essential for the workplace and requested by employers;

(b) include the following components:

- (i) a curriculum;
 - (ii) online access to the curriculum;
 - (iii) instructional software for classroom and student use;
 - (iv) certification of skills and competencies most frequently requested by employers;
 - (v) professional development for faculty; and
 - (vi) deployment and program support, including integration with existing curriculum standards; and
- (c) be made available to students, faculty, and staff of Salt Lake Community College.

Enacted by Chapter 181, 2012 General Session

53B-16-301. Definitions.

As used in this part:

- (1) "Person" means:
 - (a) a federal, state, or local governmental entity:
 - (i) that sponsors sponsored research; or
 - (ii) participates in a technology transfer;
 - (b) an individual;
 - (c) a nonprofit or profit corporation;
 - (d) a partnership;
 - (e) a sole proprietorship; or
 - (f) other type of business organization.
- (2) "Public institution of higher education" means an institution within the state system of higher education defined in Section 53B-1-102.
- (3) "Restricted record" means a record that is restricted as provided by Section 53B-16-303.
- (4) "Sponsored research" refers to research, training, and other sponsored activities as defined by the federal Executive Office of the President, Office of Management and Budget:
 - (a) conducted by a public institution of higher education through an office responsible for sponsored projects or programs; and
 - (b) funded or otherwise supported by an external person that is not created or controlled by the public institution of higher education.
- (5) "Technology transfer" refers to transferring information, commercializing research, or providing technical assistance between a public institution of higher education and external persons for the purpose of economic development.

Amended by Chapter 201, 2005 General Session

53B-16-302. Records that may be classified as restricted.

A public institution of higher education may classify only the following records as restricted:

- (1) that portion of a technology transfer record or sponsored research record to which access must be restricted for the purpose of securing and maintaining proprietary

protection of intellectual property rights, including but not limited to patents, copyrights, trademarks, and trade secrets; or

(2) that portion of a technology transfer record or sponsored research record to which access is restricted for competitive or proprietary purposes, as a condition of actual or potential participation in a sponsored research or technology transfer agreement; provided, however, that upon receipt of a written request for a reasonably identifiable record, the public institution of higher education shall disclose:

(a) prior to a memorandum of intent to contract or an agreement in principle between the parties:

(i) the names of the parties, or, if the disclosure of names would cause competitive harm, a general description of the type of parties negotiating the technology transfer or sponsored research agreement; and

(ii) a general description of the nature of the technology transfer or sponsored research under consideration, excluding proprietary or competitive information; or

(b) after a memorandum of intent to contract or an agreement in principle between the parties:

(i) the names of the parties involved in the technology transfer or sponsored research;

(ii) a general description of the nature of the technology transfer or sponsored research to be conducted, excluding proprietary or competitive information; and

(iii) records of the technology transfer or sponsored research to be conducted, excluding those portions of records to which access is limited under this part or Title 63G, Chapter 2, Government Records Access and Management Act.

Amended by Chapter 382, 2008 General Session

53B-16-303. Access to restricted records.

Notwithstanding any other provision of Title 63G, Chapter 2, Government Records Access and Management Act, access to records restricted by this part shall only be permitted upon:

(1) written consent of the public institution of higher education originating, receiving, or maintaining such records; or

(2) a finding by the State Records Committee or a court that the record has not been properly classified as restricted under Section 63G-2-302, provided that the review of a restricted classification of a record shall not include considerations of weighing public and private interests regarding access to a properly classified record as contained in Subsection 63G-2-403(11)(b) or 63G-2-404(8) or Section 63G-2-309. Nothing in this Subsection (2) shall be construed to limit the authority of the State Board of Regents to reclassify and disclose a record of a public institution of higher education.

Amended by Chapter 382, 2008 General Session

53B-16-304. Business confidentiality claims.

(1) (a) Any person who provides to a public institution of higher education a record that the person believes should be protected under a provision listed in Subsection 63G-2-309(1)(b)(i), restricted under Section 53B-16-302, or both protected

under a provision listed in Subsection 63G-2-309(1)(b)(i) and restricted under Section 53B-16-302, shall provide the public institution of higher education:

- (i) a written claim of business confidentiality; and
- (ii) a concise statement of reasons supporting the claim of business confidentiality.

(b) The person described in Subsection (1)(a) shall make the filing at the commencement of:

- (i) the sponsored research project; or
- (ii) the technology transfer process.

(c) A claim of business confidentiality submitted under this Subsection (1) shall cover all protected and restricted records exchanged during the:

- (i) sponsored research project; or
- (ii) technology transfer process.

(2) The inadvertent failure to make a legally adequate claim of business confidentiality at the time required by Subsection (1) does not prejudice the claimant's right to make a legally adequate claim at a different time before disclosure of the record.

Amended by Chapter 382, 2008 General Session

53B-16-305. Applicability of the Government Records Access and Management Act.

Except as otherwise provided by this part, the provisions of Title 63G, Chapter 2, Government Records Access and Management Act, will apply to restricted technology transfer or sponsored research records as defined in this part, as if the records were protected records as defined by Title 63G, Chapter 2.

Amended by Chapter 382, 2008 General Session

53B-16-401. Definitions.

As used in this part:

(1) "Cooperating employer" means a public or private entity which, as part of a work experience and career exploration program offered through an institution of higher education, provides interns with training and work experience in activities related to the entity's ongoing business activities.

(2) "Institution of higher education" means any component of the state system of higher education as defined under Section 53B-1-102 which is authorized by the State Board of Regents to offer internship programs, and any private institution of higher education which offers internship programs under this part.

(3) "Intern" means a student enrolled in a work experience and career exploration program under Section 53B-16-402 which is sponsored by an institution of higher education, involving both classroom instruction and work experience with a cooperating employer, for which the student receives no compensation.

(4) "Internship" means the work experience segment of an intern's work experience and career exploration program sponsored by an institution of higher education, performed under the direct supervision of a cooperating employer.

Enacted by Chapter 73, 1996 General Session

53B-16-402. Higher education internships.

An institution of higher education may offer internships in connection with work experience and career exploration programs operated in accordance with rules of the State Board of Regents.

Enacted by Chapter 73, 1996 General Session

53B-16-403. Interns -- Workers' compensation medical benefits.

(1) An intern participating in an internship under Section 53B-16-402 is considered to be a volunteer worker of the sponsoring institution of higher education solely for purposes of receiving workers' compensation medical benefits.

(2) Receipt of medical benefits under Subsection (1) shall be the exclusive remedy against the institution and the cooperating employer for all injuries and occupational diseases as provided under Title 34A, Chapters 2 and 3.

Amended by Chapter 10, 1997 General Session

53B-16-404. Internship programs -- Criminal background checks.

An institution of higher education shall require an officer or employee of the institution or a cooperating employer, who will be given significant unsupervised access to a minor student in connection with the student's activities as an intern, to submit to a criminal background check on the same basis as volunteer school district workers under Section 53A-3-410.

Enacted by Chapter 73, 1996 General Session

53B-16-405. Recognition of participation in internship program.

A cooperating employer may be given appropriate recognition by an institution of higher education, including the posting of the employer's name and a short description of the employer's business in an appropriate location on the institution's property, or publication of that information in official publications of the institution.

Enacted by Chapter 73, 1996 General Session

53B-16-501. Nonprofit corporations or foundations -- Purpose.

(1) Dixie State University may form a nonprofit corporation or foundation controlled by the president of the college and the Board of Regents to aid and assist the college in attaining its charitable, communications, and other related educational objectives, including support for the Center for Media Innovation, film festivals, film production, print media, broadcasting, television, and digital media.

(2) The nonprofit corporation or foundation may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out its public purposes.

Amended by Chapter 10, 2013 General Session

53B-17-101. Legislative findings on public broadcasting and telecommunications for education.

The Legislature finds and determines the following:

- (1) The University of Utah's Dolores Dore' Eccles Broadcast Center is the statewide public broadcasting and telecommunications facility for education in Utah.
- (2) The center shall provide services to citizens of the state in cooperation with higher and public education, state and local government, and private industry.
- (3) Distribution services provided through the center shall include KUED - TV, KUER - FM, and KUEN - TV.
- (4) KUED - TV and KUER - FM are licensed to the University of Utah.
- (5) The Utah Education and Telehealth Network's broadcast entity, KUEN - TV, is licensed to the Utah State Board of Regents and, together with UETN, is operated on behalf of the state's systems of public and higher education.
- (6) All the entities referred to in Subsection (3) are under the administrative supervision of the University of Utah, subject to the authority and governance of the State Board of Regents.
- (7) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 63, 2014 General Session

53B-17-101.5. Definitions.

As used in this part:

- (1) "Board" means the Utah Education and Telehealth Network Board.
- (2) "Education Advisory Council" means the Utah Education Network Advisory Council created in Section 53B-17-107.
- (3) "Telehealth" means the electronic transfer, exchange, or management of related data for diagnosis, treatment, and consultation, and educational, public health, or other related purposes.
- (4) "Telehealth Advisory Council" means the Utah Telehealth Advisory Council created in Section 53B-17-106.
- (5) "Utah Education and Telehealth Network," or "UETN," means a consortium and partnership between public and higher education, the Utah Department of Health, and health care providers, that is created in Section 53B-17-105.

Enacted by Chapter 63, 2014 General Session

53B-17-103. General powers of University of Utah related to public broadcasting and telecommunication for education.

- (1) Subject to applicable rules of the Federal Communications Commission and the State Board of Regents, the University of Utah shall:
 - (a) serve as the state's provider of public television services, with programming from the Public Broadcasting Service and other syndicated and locally produced

programs;

(b) serve as the state's primary provider of public radio services, with programming from National Public Radio and other syndicated and locally produced programs; and

(c) subject to Section 53B-7-103, accept and use gifts and apply for and receive funds from federal and other sources to carry out the purposes of this part.

(2) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate KUED - TV.

(3) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of educational programs.

Amended by Chapter 150, 2006 General Session

53B-17-104. Responsibilities of the State Board of Regents, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN related to public broadcasting and telecommunication for education and government.

(1) Subject to applicable rules of the Federal Communications Commission and Section 53B-17-105, the State Board of Regents, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN shall:

(a) coordinate statewide services of public radio and television;

(b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;

(c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;

(d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;

(e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;

(f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;

(g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;

(h) coordinate with school districts and public schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and training services to the public schools;

(i) coordinate the development of a clearing house for the materials, courses, publications, media, software, and other applicable information related to the items addressed in Subsections (1)(g) and (h);

- (j) coordinate the provision of the following services to public schools:
 - (i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;
 - (ii) digitization of programs for broadcast purposes; and
 - (iii) program previewing;
 - (k) share responsibility for Instructional Television (ITV) awareness and utilization; and
 - (l) provide teleconference and training services for state and local governmental agencies.
- (2) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.

Amended by Chapter 63, 2014 General Session

53B-17-105. Utah Education and Telehealth Network.

- (1) There is created the Utah Education and Telehealth Network, or UETN.
- (2) UETN shall:
 - (a) coordinate and support the telecommunications needs of public and higher education, public libraries, and entities affiliated with the state systems of public and higher education as approved by the Utah Education and Telehealth Network Board, including the statewide development and implementation of a network for education, which utilizes satellite, microwave, fiber-optic, broadcast, and other transmission media;
 - (b) coordinate the various telecommunications technology initiatives of public and higher education;
 - (c) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;
 - (d) procure, install, and maintain telecommunication services and equipment on behalf of public and higher education;
 - (e) develop or implement other programs or services for the delivery of distance learning and telehealth services as directed by law;
 - (f) apply for state and federal funding on behalf of:
 - (i) public and higher education; and
 - (ii) telehealth services;
 - (g) in consultation with health care providers from a variety of health care systems, explore and encourage the development of telehealth services as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations; and
 - (h) in consultation with the Utah Department of Health, advise the governor and the Legislature on:
 - (i) the role of telehealth in the state;
 - (ii) the policy issues related to telehealth;
 - (iii) the changing telehealth needs and resources in the state; and
 - (iv) state budgetary matters related to telehealth.
- (3) In performing the duties under Subsection (2), UETN shall:
 - (a) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;

- (b) work with the private sector to deliver high-quality, cost-effective services;
- (c) avoid duplicating facilities, equipment, or services of private providers or public telecommunications service, as defined under Section 54-8b-2;

- (d) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and

- (e) assure that public service entities, such as educators, public service providers, and public broadcasters, are provided access to the telecommunications infrastructure developed in the state.

- (4) The University of Utah shall provide administrative support for UETN.

- (5) (a) The Utah Education and Telehealth Network Board, which is the governing board for UETN, is created.

- (b) The Utah Education and Telehealth Network Board shall have 13 members as follows:

- (i) four members representing the state system of higher education appointed by the commissioner of higher education;

- (ii) four members representing the state system of public education including:

- (A) three members appointed by the State Board of Education; and

- (B) one member representing the Utah State Office of Education appointed by the state superintendent;

- (iii) one member representing applied technology centers appointed by the president of the Utah College of Applied Technology;

- (iv) one member representing the state library appointed by the state librarian;

- (v) two members representing hospitals as follows:

- (A) the members may not be employed by the same hospital system;

- (B) one member shall represent a rural hospital;

- (C) one member shall represent an urban hospital; and

- (D) the chief administrator or the administrator's designee for each hospital licensed in this state shall select the two hospital representatives; and

- (vi) one member representing the office of the governor, appointed by the governor.

- (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

- (d) (i) The board shall elect a chair.

- (ii) The chair shall set the agenda for the board meetings.

- (6) A member of the board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;

- (b) Section 63A-3-107; and

- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

- (7) The board:

- (a) shall hire an executive director for UETN who may hire staff for UETN as permitted by the budget;

- (b) may terminate the executive director's employment or assignment;

- (c) shall determine the executive director's salary;

- (d) shall annually conduct a performance evaluation of the executive director;

(e) shall establish policies the board determines are necessary for the operation of UETN and the administration of UETN's duties; and

(f) shall advise UETN in:

(i) the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and telehealth services throughout the state; and

(ii) acquiring, producing, and distributing instructional content.

(8) The executive director of UETN shall be an at-will employee.

(9) UETN shall locate and maintain educational and telehealth telecommunication infrastructure throughout the state.

(10) Educational institutions shall manage site operations under policy established by UETN.

(11) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate UETN.

(12) If the network operated by the Department of Technology Services is not available, UETN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

Enacted by Chapter 63, 2014 General Session

53B-17-106. Utah Telehealth Advisory Council.

(1) There is created the Utah Telehealth Advisory Council, which may, at the discretion of the board, and after July 1, 2015, be combined with the Utah Education Advisory Council created in Section 53B-17-107.

(2) The Utah Telehealth Advisory Council members shall be appointed by the board.

(3) (a) The Telehealth Advisory Council shall annually elect a chairperson from its membership. The chair shall set the agendas for the meetings of the advisory council and shall report to the board.

(b) The Telehealth Advisory Council shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.

(4) A member may not receive compensation or benefits for the member's service, but, at the executive director's discretion, may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The board shall provide staff support to the council.

(6) The council shall:

(a) advise and make recommendations on telehealth service issues to the board and other state entities;

(b) advise and make recommendations on telehealth-related patient privacy to the board;

(c) promote collaborative efforts to establish technical compatibility, uniform policies, and privacy features to meet legal, financial, commercial, and other societal requirements;

(d) identify, address, and seek to resolve the legal, ethical, regulatory, financial, medical, and technological issues that may serve as barriers to telehealth service;

(e) explore and encourage the development of telehealth as a means of reducing health care costs and increasing health care quality and access, with emphasis on assisting rural health care providers and special populations with access to or development of electronic medical records; and

(f) seek public input on telehealth issues.

Enacted by Chapter 63, 2014 General Session

53B-17-107. Utah Education Advisory Council.

(1) (a) There is created the Utah Education Advisory Council which may, at the discretion of the board, and after July 1, 2015, be combined with the Utah Telehealth Advisory Council created in Section 53B-17-106.

(b) The Utah Education Advisory Council members shall be appointed by the board.

(c) The Utah Education Advisory Council shall annually elect a chairperson from its membership. The chair shall set the agenda for Utah Education Advisory Council meetings and report to the board.

(d) The Utah Education Advisory Council shall hold meetings at least once every three months. Meetings may be held from time to time on the call of the chair or a majority of the board members.

(2) A member of the Utah Education Advisory Council may not receive compensation or benefits for the member's service, but at the executive director's discretion may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(3) The Utah Education Advisory Council shall:

(a) advise the board and other public entities regarding:

(i) the coordination of the various telecommunications technology initiatives of public and higher education;

(ii) how to provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;

(iii) recommendations for the procurement, installation, and maintenance of telecommunication services and equipment on behalf of public and higher education; and

(iv) the development or implementation of other programs or services for the delivery of distance learning and digital health services as directed by law; and

(b) seek public input on the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services and digital health services throughout the state.

- (4) The board shall provide staff to the council.

Enacted by Chapter 63, 2014 General Session

53B-17-201. Proceeds from federal land grants for a Miners' Hospital for Disabled Miners -- Reporting requirements.

(1) There is appropriated to the University of Utah all funds, assets, and revenues which have been, or will be, derived from the sale or other disposition of those lands conveyed to the state of Utah by those federal grants for a Miners' Hospital for Disabled Miners contained in Section 12 of the Enabling Act and in Chapter 280, Public Laws of the Seventieth Congress, 2nd Session (Act of February 20, 1929) which funds, assets, and revenues now are, or in the future will be, in the custody and control of the School and Institutional Trust Lands Board of Trustees.

(2) The University of Utah shall report annually to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee and the Higher Education Appropriations Subcommittee the following information regarding the administration and operation of the Miners' Hospital for Disabled Miners described in Subsection (1):

(a) for each of the five previous fiscal years:

(i) an income statement showing all revenue sources and expense categories;

(ii) total number of patients served; and

(iii) the types of service or care given to patients; and

(b) how the University of Utah plans to administer and operate the Miners' Hospital for Disabled Miners in the future.

Amended by Chapter 457, 2013 General Session

53B-17-202. Use of funds -- Rehabilitation building.

The funds, assets, and revenues shall be used for the construction, equipment, furnishings, and operation, or either or any of the same, on the campus of the university of a rehabilitation building, either as a separate structure or as an integrated unit in the University of Utah Medical Center.

Enacted by Chapter 167, 1987 General Session

53B-17-301. Unclaimed dead bodies -- Notice to School of Medicine -- Preservation of dead bodies.

(1) Any person who has charge over an unclaimed dead body that is to be buried at public expense shall notify the dean of the School of Medicine at the University of Utah within 24 hours after taking charge of the body.

(2) The notice shall specify the probable cause of death.

(3) At the dean's request, the person shall forward the body to the university, at its expense, within 24 hours of receiving the dean's request.

(4) The delivered body shall be properly embalmed and preserved for not less than 60 days. If a personal friend or relative of the deceased person requests the body for a private burial, during this time period, the person is given possession of the body.

Enacted by Chapter 167, 1987 General Session

53B-17-302. Receipt for dead body -- Records.

(1) A person delivering a body to the university under Section 53B-17-301 shall receive a receipt for the body.

(2) The School of Medicine is responsible for records kept on any body received under this section.

(3) The records shall include all facts necessary for proper identification of the body.

Enacted by Chapter 167, 1987 General Session

53B-17-303. Use of unclaimed dead bodies for promotion of science.

(1) A body unclaimed after 60 days under Section 53B-17-301 may be used for the following purposes:

(a) to promote medical and surgical science; and

(b) for instruction and study by physicians and students of anatomy and embalming.

(2) Once these purposes are accomplished, the remains are properly cremated or receive a decent burial.

Amended by Chapter 22, 1989 General Session

53B-17-304. Failure to comply with chapter is a misdemeanor.

A person who commits the following violations is guilty of a misdemeanor: (1) failure or neglect to give notice required under Subsection 53B-17-301(1); or (2) failure or neglect to forward a body upon request under Subsection 53B-17-301(3).

Enacted by Chapter 167, 1987 General Session

53B-17-401. College of Mines and Earth Sciences -- Beneficiary of land grants -- Courses of study.

(1) There is established a College of Mines and Earth Sciences at the University of Utah.

(2) The college is the beneficiary of all land grants and appropriations made or to be made by the United States to the state for the establishment and maintenance of a school of mines.

(3) The college may offer courses in and related to mining, metallurgical and electrical engineering, and other branches of engineering that pertain to mining.

Amended by Chapter 32, 1988 General Session

53B-17-402. Utah Engineering Experiment Station.

(1) There is established a Utah Engineering Experiment Station in conjunction with the College of Mines and Earth Sciences.

- (2) The station is controlled and managed by the University of Utah.

Amended by Chapter 22, 1989 General Session

53B-17-403. Functions of the station.

(1) The station has the following functions: (a) to conduct experiments and investigations on matters that have the potential to benefit the state's industrial interests or would be for the public good; and (b) to inform the public of the results of the experiments and investigations conducted by the station.

(2) The station is not to conduct experiments or investigations on those matters that more properly relate to the functions of Utah State University's experiment station.

(3) The University of Utah makes an annual report on the engineering experiment station to the governor at a time designated by the governor.

Enacted by Chapter 167, 1987 General Session

53B-17-501. Research park authorized.

The Legislature determines that it is in the public interest of the state of Utah, its citizens, and commerce to develop a research park in Salt Lake County upon property conveyed to the University of Utah under patent from the United States of America dated October 18, 1968.

Enacted by Chapter 167, 1987 General Session

53B-17-502. Definitions.

As used in Sections 53B-17-501 through 53B-17-506:

(1) "Patent" means the patent covering the land acquired by the University of Utah from the United States of America dated October 18, 1968.

(2) "Research park" means research and development facilities, research institutes, testing laboratories, related business and government installations, and similar facilities, together with land, including all necessary appurtenances, rights, and franchises acquired and developed by the University of Utah which are suitable or necessary to promote the social welfare of the state of Utah through the advancement of education, science, research, economic development, and related purposes. The acquisition and provision of any one or more of the following facilities may be included as part of the development of land for the research park: water, sewage, drainage, street, road, sidewalk, curb, gutter, street lighting, electrical distribution, and docking, but only to the extent that the facilities are incidental to the use of the land as a research park.

Enacted by Chapter 167, 1987 General Session

53B-17-503. Administration through nonprofit corporations or foundations -- Control -- Authority of corporations or foundations -- Personnel considered employees of university.

(1) The University of Utah may establish, develop, and administer through

nonprofit corporations or foundations controlled by the president and the State Board of Regents a research park upon the land acquired by the university under the patent.

(2) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out their public purposes.

(3) All salaried employees, agents, officers, faculty, and staff of the nonprofit corporation or foundation are for the purpose of employee benefits, employees, agents, officers, faculty, and staff of the University of Utah.

Enacted by Chapter 167, 1987 General Session

53B-17-504. Powers of university as related to research park.

The University of Utah has the following powers:

(1) to establish, acquire, develop, maintain, and operate a research park, including the acquisition of all necessary or suitable buildings, facilities, and improvements, and to acquire, purchase, construct, reconstruct, improve, remodel, add to, extend, maintain, equip, and furnish the research park or any building or facility, including research and service facilities and areas intended for the common use of the research park tenants;

(2) to form nonprofit corporations or foundations to aid and assist the University of Utah to attain its charitable, scientific, literary, and educational objectives, including the acquisition, construction, financing, operation, and management of a research park;

(3) to lease to the nonprofit corporation or foundation all or part of the land and facilities included in the research park upon terms and conditions established by the University of Utah, and to enter into any other contract or agreement with the nonprofit corporation or foundation as necessary for the construction, financing, operation, and management of the research park;

(4) to lease, either directly or through a nonprofit corporation or foundation, to any person, firm, partnership, or corporation engaged in business for a profit any part or all of the land, buildings, or facilities of the research park under guidelines established by the university;

(5) to allow a lessee to acquire or construct necessary or suitable buildings, facilities, and improvements upon the leased property. Any improvements acquired or constructed upon the premises during the term of the lease reverts to and becomes the property of the university at the termination of the lease, its renewal, or extension; and

(6) to finance all or part of the cost of the research park including the purchase, construction, reconstruction, improvement, remodeling, addition to, extension, maintenance, equipment, and furnishing as permitted by law for the financing of self-liquidating projects by institutions of higher education.

Enacted by Chapter 167, 1987 General Session

53B-17-505. City to provide services and facilities to research park -- Fees and charges -- Disallowance of special improvement district or special taxes.

(1) The Salt Lake City Council shall provide police and fire protection and furnish, install, and maintain customary municipal services and facilities for street

lighting, traffic control, sidewalks, curb, gutter, drainage, sewage disposal, and water supply to all areas of the research park established upon lands conveyed to the University of Utah under the patent.

(2) The services and facilities are to be furnished and provided as needed and determined by the State Board of Regents subject to connection fees, use charges, and other service fees customarily assessed against similar persons, companies, or properties within the territorial limits of Salt Lake City.

(3) No special improvement district may be created or special taxes imposed with respect to the services and facilities provided under this section.

Enacted by Chapter 167, 1987 General Session

53B-17-506. Agreements with Department of Transportation regarding research park roads.

The Department of Transportation may enter into agreements with the University of Utah between regular sessions of the Legislature designating all or part of the roads within or adjacent to the research park as part of the state highway system.

Enacted by Chapter 167, 1987 General Session

53B-17-601. Utah Museum of Natural History -- Traveling exhibits and Outreach Programs.

(1) There is established at the University of Utah the Utah Museum of Natural History, where tangible objects reflecting the past, present, and continuing development of our natural history may be collected and displayed for educational and cultural purposes.

(2) (a) The museum shall make available to people throughout the state, through traveling exhibits and outreach programs, archeological and paleontological objects retrieved from the state of Utah.

(b) The museum shall provide professional expertise and assistance in the proper care of the archeological and paleontological collections from state lands as they are housed throughout the state.

(3) The museum shall submit an annual request to the Legislature to fund the ongoing costs of the programs authorized under Subsection (2) as part of its base budget.

Amended by Chapter 318, 1997 General Session

53B-17-602. Acceptance of gifts.

The University of Utah is authorized to receive gifts, contributions, and donations of all kinds, including tangible objects and specimens for the development of or display in the museum.

Enacted by Chapter 167, 1987 General Session

53B-17-603. Curation and deposit of specimens.

- (1) For purposes of this section:
 - (a) "Collections" is defined as provided in Section 9-8-302.
 - (b) "Curation facility" means:
 - (i) the museum;
 - (ii) an accredited facility meeting federal curation standards; or
 - (iii) an appropriate state park.
 - (c) "Museum" means the Utah Museum of Natural History.
 - (d) "Repository" means:
 - (i) a facility designated by the museum through memoranda of agreement; or
 - (ii) a place of reburial.
 - (e) "School and institutional trust lands" are those properties defined in Section 53C-1-103.
- (2) The museum shall make rules to ensure the adequate curation of all collections from lands owned or controlled by the state or its subdivisions. The rules shall:
 - (a) conform to, but not be limited by, federal curation policy;
 - (b) recognize that collections recovered from school and institutional trust lands are owned by the respective trust, and shall be made available for exhibition as the beneficiaries of the respective trust may request, subject to museum curation policy and the curation facility's budgetary priorities;
 - (c) recognize that any collections obtained in exchange for collections found on school and institutional trust lands shall be owned by the respective trust; and
 - (d) recognize that if, at its discretion, the curation facility makes and sells reproductions derived from collections found on school or institutional trust lands, any money obtained from these sales shall be given to the respective trust, but the curation facility may retain money sufficient to recover the direct costs of preparation for sale and a reasonable fee for handling the sale.
- (3)
 - (a) The museum may enter into memoranda of agreement with other repositories located in and outside the state to act as its designee for the curation of collections.
 - (b) In these memoranda, the museum may delegate some or all of its authority to curate.
- (4)
 - (a) All collections recovered from lands owned or controlled by the state or its subdivisions shall be deposited at the museum, a curation facility, or at a repository within a reasonable time after the completion of field work.
 - (b) The museum shall make rules establishing procedures for selection of the appropriate curation facility or repository.
 - (c) The rules shall consider:
 - (i) whether the permittee, authorized pursuant to Section 9-8-305, is a curation facility;
 - (ii) the appropriateness of reburial;
 - (iii) the proximity of the curation facility or repository to the point of origin of the collection;
 - (iv) the preference of the owner of the land on which the collection was found;
 - (v) the nature of the collection and the repository's or curation facility's ability and desire to curate the collection in question, and ability to maximize the scientific,

educational, and cultural benefits for the people of the state and the school and institutional trusts;

(vi) selection of a second curation facility or repository, if the original repository or curation facility becomes unable to curate the collections under its care; and

(vii) establishment of an arbitration process for the resolution of disputes over the location of a curation facility or repository, which shall include an ultimate arbitration authority consisting of the landowner, the state archaeologist or paleontologist, and a representative from the governor's office.

(d) The repository or curation facility may charge a curation fee commensurate with the costs of maintaining those collections, except that a fee may not be charged to the respective trust for collections found on school or institutional trust lands.

(5) The repository or curation facility shall make specimens available through loans to museums and research institutions in and out of the state when, in the opinion of the repository or curation facility:

(a) the use of the specimens is appropriate; and

(b) arrangements are made for safe custodianship of the specimens.

(6) The museum shall comply with the procedures of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding publication of its rules in the Utah State Bulletin and the Utah Administrative Code.

Amended by Chapter 382, 2008 General Session

53B-17-701. Utah Museum of Fine Arts.

(1) There is established at the University of Utah the Utah Museum of Fine Arts as:

(a) a state general and multicultural art museum; and

(b) a state institution charged with the broad responsibility of collecting and exhibiting, for the education and enrichment of its citizens, art and related objects from around the world from prehistoric times to the present.

(2) The museum shall:

(a) serve as a repository in Utah of the objects referred to in Subsection (1);

(b) collect and display tangible art objects that reflect the past, present, and continuing development of the visual arts in America and throughout the rest of the world;

(c) provide professional expertise and assistance in the proper care of the tangible art objects displayed at the museum; and

(d) engage visitors to the museum in discovering meaningful connections with the artistic expressions of the world's cultures by:

(i) acting as a responsible steward of the material legacy of the visual arts located at the Utah Museum of Fine Arts for the people of Utah;

(ii) serving as a teaching, learning, and research resource for the University of Utah, the state's greater educational community, and the general public;

(iii) promoting an open dialogue with visitors and the community about the role of visual arts in our society;

(iv) fostering and celebrating the diverse artistic expressions and accomplishments of the people of Utah and around the world;

- (v) cultivating community partnerships and collaborations to ensure that the visual arts reach a broad spectrum of the general public; and
- (vi) offering a wide range of experiences that will enable visitors to the museum to explore the variety of ways the arts can inform and enhance the human experience.

Enacted by Chapter 97, 2005 General Session

53B-17-702. Acceptance of gifts.

The University of Utah may receive gifts, contributions, and donations of all kinds, including tangible objects for the development of or display in the museum.

Enacted by Chapter 97, 2005 General Session

53B-17-801. Title -- Definitions.

- (1) This part is known as "Rocky Mountain Center for Occupational and Environmental Health."
- (2) As used in this part:
 - (a) "Affected populations" include:
 - (i) employees;
 - (ii) employers;
 - (iii) insurers;
 - (iv) professionals or professional organizations related to occupational and environmental health;
 - (v) government agencies; and
 - (vi) outside academic institutions.
 - (b) "Board" means the Rocky Mountain Center for Occupational and Environmental Health Advisory Board created in Section 53B-17-803.
 - (c) "Center" means the Rocky Mountain Center for Occupational and Environmental Health.
 - (d) "Director" means the director of the center.
 - (e) "University" means the University of Utah.

Enacted by Chapter 232, 2007 General Session

53B-17-802. Rocky Mountain Center for Occupational and Environmental Health at the university.

- (1) There is established at the University of Utah the Rocky Mountain Center for Occupational and Environmental Health, to be an occupational health and safety center for education and research.
- (2) The university shall operate the center in a manner so that the center is:
 - (a) eligible to be designated as an education and research center by the National Institute for Occupational Safety and Health in the United States Department of Health and Human Services; and
 - (b) a resource for affected populations to:
 - (i) improve workplace health and safety; and
 - (ii) contribute to economic growth and development in Utah and the surrounding

region.

Enacted by Chapter 232, 2007 General Session

53B-17-803. Advisory board created.

(1) The university shall create an advisory board known as the "Rocky Mountain Center for Occupational and Environmental Health Advisory Board" to:

(a) promote occupational health and safety in Utah and the surrounding region;
(b) promote the interests and mission of the center by advising the director on issues including:

(i) operation of the center as a multidisciplinary, state-of-the-art program at the university;

(ii) developing and maintaining state and institutional support;

(iii) emerging local or regional, occupational health and safety education and research needs;

(iv) continuing education and outreach to local and regional occupational health and safety professionals;

(v) coordinating with other local or regional entities that promote occupational health and safety in a manner that meets the needs of both employers and employees; and

(vi) grant requirements and renewal;

(c) advise the director on the expenditure by the center of public funds including:

(i) funds appropriated by the Legislature;

(ii) donations; and

(iii) federal or other grants; and

(d) develop recommendations for the long-term operation of the center consistent with Section 53B-17-802.

(2) (a) The board shall consist of no fewer than 15 and no more than 18 persons who represent the affected populations.

(b) The university shall establish reasonable bylaws for the operation of the board including:

(i) the selection of board members;

(ii) quorum requirements; and

(iii) voting requirements.

(3) The board shall elect a board chair and vice chair from among the board members by a vote of the members.

(4) (a) The board shall have an executive committee consisting of:

(i) the board chair;

(ii) the board vice chair; and

(iii) three other board members, selected by the board chair in consultation with the director.

(b) The executive committee shall meet at least quarterly to advise the center and to plan for board meetings.

(5) The board chair, in consultation with the director, shall call board meetings at least two times each calendar year.

(6) The board and the executive committee are subject to Title 52, Chapter 4,

Open and Public Meetings Act.

(7) A board member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Amended by Chapter 286, 2010 General Session

53B-17-804. Reporting.

(1) (a) The board, through the director and the board chair, shall provide by no later than July 1 of each year, a written report to the president of the university.

(b) The report required by this Subsection (1) shall:

- (i) summarize the center's activities and accomplishments in the immediate proceeding calendar year; and
- (ii) provide information and the board's advice and recommendations on how the state, university, and the center can:
 - (A) improve workplace health and safety; and
 - (B) contribute to economic growth and development in Utah and the surrounding region.

(2) (a) If the center receives in a fiscal year money from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program provided for in Section 34A-2-701, the center shall provide a written report:

- (i) by no later than the August 15 following the fiscal year;
- (ii) to the Office of the Legislative Fiscal Analyst;
- (iii) for review by the Higher Education Appropriations Subcommittee;
- (iv) that accounts for the expenditure of money received in the fiscal year by the center from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program including impact on workplace safety in Utah; and
- (v) that includes a preliminary statement as to money the center will request from the Eddie P. Mayne Workplace Safety and Occupational Health Funding Program for the fiscal year following the day on which the report is provided.

(b) A report provided under this Subsection (2) meets the reporting requirements under Subsection 34A-2-701(5)(b)(i)(B).

Amended by Chapter 43, 2013 General Session

53B-17-805. Appointment and removal of director.

(1) Subject to the advice and consent of the senior vice president for health sciences and after consultation with the individuals listed in Subsection (2), one of the following specified by the senior vice president for health sciences shall appoint and may remove the director:

- (a) the chair of the department within the university where the center resides; or
 - (b) a designee of the senior vice president for health sciences.
- (2) The appointment or removal of the director under Subsection (1) may be

made only after consultation with:

- (a) the senior vice president for academic affairs or the dean of the graduate school;
- (b) the dean of the school of medicine or the dean's designee;
- (c) the dean of the college of engineering or the dean's designee; and
- (d) the board through the board chair.

Enacted by Chapter 232, 2007 General Session

53B-17-901. Admissions -- Increase authorized.

(1) Beginning with the 2013-14 school year and subject to Subsection (2), the University of Utah School of Medicine may increase the number of students admitted by 40 students for a total of 122 students admitted annually.

(2) Beginning with the 2013-14 school year, no fewer than 82% of the students admitted annually shall:

(a) meet the qualifications of a resident student for the purpose of tuition in accordance with:

- (i) Section 53B-8-102;
- (ii) State Board of Regents policy on determining resident status; and
- (iii) University of Utah policy on determining resident status;

(b) have graduated from a public or private college or university located in Utah;
or

(c) have graduated from a public or private high school located in Utah.

Enacted by Chapter 302, 2013 General Session

53B-18-101. Agricultural experiment station.

(1) There is established an agricultural experiment station in connection with Utah State University.

(2) The station conducts research as provided by state and federal laws governing the establishment and maintenance of agricultural experiment stations.

Enacted by Chapter 167, 1987 General Session

53B-18-102. Purchases of land -- Equipment -- Personnel.

Utah State University is in charge of the experiment station, and shall purchase or lease suitable lands, erect necessary buildings, provide needed equipment, and appoint officers and assistants to conduct and issue reports on the research conducted at the station.

Enacted by Chapter 167, 1987 General Session

53B-18-103. Cooperative agreements.

The university may enter into cooperative agreements with governmental entities, organizations, corporations, institutions, and individuals to carry out the provisions governing agricultural experiment stations.

Enacted by Chapter 167, 1987 General Session

53B-18-104. Substations.

(1) The university may establish and maintain substations to assist in conducting the research provided for in Section 53B-18-101.

(2) The university may discontinue the existence of a substation.

(3) If a substation is created by legislative enactment, the university is under no obligation to maintain the substation beyond that time for which special appropriations are made by the Legislature.

Enacted by Chapter 167, 1987 General Session

53B-18-105. Climate center.

Utah State University shall establish and maintain a climate center to gather and analyze climatological data for the benefit of all state agencies.

Enacted by Chapter 139, 2003 General Session

53B-18-201. Agricultural extension service.

There is established by Utah State University an agricultural extension service as provided in the federal Smith-Lever and Capper-Ketchum Acts and other federal laws.

Enacted by Chapter 167, 1987 General Session

53B-18-202. Cooperative contracts for expenses.

The university may enter into cooperative contracts with the United States Department of Agriculture, county or city officers, private and public organizations, corporations, and individuals, to share the expense of establishing and maintaining an agricultural extension service. The county legislative body of each county may provide sufficient funds to insure that the agricultural extension service functions properly in its county.

Amended by Chapter 12, 1994 General Session

53B-18-203. Federal aid for experiment station.

(1) The governor may apply to the Secretary of the Treasury to obtain any appropriation made by Congress relating to the federal laws referred to in Section 53B-18-204. Whenever the university and agricultural experiment station shall be entitled to any money under these acts or similar acts the university shall execute and file with the Secretary of the Treasury an agreement to expend the money received for the sole and exclusive purpose expressed in such act and in the manner therein directed, and to maintain a farm of at least 25 acres in connection with Utah State University. The university shall also comply with all conditions expressed in the acts.

(2) The university shall execute and file with the Secretary of the Treasury an agreement relating to the expenditure of funds received under the laws referred to in

Subsection (1) that the funds will be used for the exclusive purpose directed in those laws.

(3) The university shall comply with all conditions expressed in the laws referred to in Subsection (1) in order to receive money under those laws.

Enacted by Chapter 167, 1987 General Session

53B-18-204. Acceptance of federal grants.

The state of Utah reaffirms its acceptance of the grants of money and property authorized by the following Acts of Congress:

- (1) the Morrill Act, approved July 2, 1862;
- (2) an Act of Congress passed March 2, 1887, entitled, "An act to establish agricultural experiment stations in connection with the colleges established in the several states under the provisions of an act approved July 2, 1862, and all acts supplementary to that act";
- (3) an Act of Congress entitled, "An act to provide an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof," approved March 16, 1906;
- (4) the Purnell Act, approved February 24, 1925;
- (5) "the Smith-Lever Act to aid in the development of the extension work in connection with the agricultural colleges," approved May 8, 1914;
- (6) "the Capper-Ketchum Act, providing for further support of agricultural extension work as conducted by the agricultural colleges," approved May 22, 1928.

Enacted by Chapter 167, 1987 General Session

53B-18-205. State guarantee of federal funds.

The state guarantees all money received under Section 53B-18-204 against loss or misapplication.

Enacted by Chapter 167, 1987 General Session

53B-18-206. Treasurer to receive appropriations.

The treasurer of Utah State University is the officer who receives money appropriated by the Secretary of the Treasury under Sections 53B-18-203 and 53B-18-204.

Enacted by Chapter 167, 1987 General Session

53B-18-301. Area education centers -- Administration -- Location.

Utah State University shall operate and administer area education centers located at or near Roosevelt and Moab.

Enacted by Chapter 167, 1987 General Session

53B-18-302. Courses offered.

The area education centers shall offer academic courses comparable to those offered in an accredited institution of higher education.

Enacted by Chapter 167, 1987 General Session

53B-18-401. Control and supervision.

Utah State University has general control and supervision of the state power plant in Logan Canyon.

Enacted by Chapter 167, 1987 General Session

53B-18-501. Nonprofit corporations or foundations -- Purpose.

(1) In addition to any other powers which it now has, Utah State University may form nonprofit corporations or foundations controlled by the president of the university and the State Board of Regents to aid and assist the university in attaining its charitable, scientific, literary, research, and educational objectives.

(2) The nonprofit corporations or foundations may receive and administer legislative appropriations, government grants, contracts, and private gifts to carry out their public purposes.

Enacted by Chapter 218, 1988 General Session

53B-18-601. Program creation -- Location.

(1) There is created the Strengthening At-Risk Youth and Their Families Program to be administered through the Utah State University Extension Family Life and 4-H Programs.

(2) The program shall be implemented throughout the state through Utah State University Extension county offices.

Enacted by Chapter 381, 1998 General Session

53B-18-602. Program requirements -- Referrals -- Evaluation.

(1) The program shall provide services to youth who have demonstrated behavioral and learning problems at school or have been referred to juvenile court for delinquent behavior.

(2) Youths and their families in need of services may be identified and referred to the program through:

- (a) school officials;
- (b) juvenile court officers;
- (c) community social service agencies; or
- (d) parents.

(3) The program shall actively seek and screen adult volunteers to work with high risk youth and their families.

(4) The program shall provide training and support to the volunteers to prepare them for the wide variety of social, cultural, and other environmental factors they will encounter.

- (5) The volunteers shall:
 - (a) enroll and involve youth in 4-H and other community service and activity programs;
 - (b) provide academic tutoring, with an emphasis on reading skills, when necessary;
 - (c) seek out opportunities for participation in structured recreational activities; and
 - (d) facilitate the families' development of a positive family environment including:
 - (i) setting clear expectations and limits in the home;
 - (ii) fostering communication skills between family members;
 - (iii) encouraging the families' involvement in the school and community; and
 - (iv) assisting in the development of time management skills.
- (6) The program shall provide for an annual assessment and evaluation of the entire program including:
 - (a) assessments conducted on youths and their families before entering the program;
 - (b) documentation of ongoing changes observed in the youths while participating in the program, including behavioral and academic changes;
 - (c) assessments conducted on youths and their families upon exiting the program; and
 - (d) overall assessment of the program in the various communities, to include:
 - (i) acceptance and support within the community;
 - (ii) availability of sufficient programs and activities; and
 - (iii) availability of qualified adults to serve as volunteers.

Enacted by Chapter 381, 1998 General Session

53B-18-701. Recreation and Tourism Program.

- (1) There is appropriated for fiscal year 1998-99, \$150,000 from the General Fund to Utah State University for base budget funding to conduct a program of teaching, research, and extension on outdoor recreation and tourism.
- (2) The university shall establish the program in the Institute of Outdoor Recreation and Tourism in the College of Natural Resources.
- (3) The extension and research program shall focus on at least three areas:
 - (a) tourism and outdoor recreation use;
 - (b) the social and economic tradeoffs of tourism and outdoor recreation for local communities; and
 - (c) the relationship between outdoor recreation and tourism and public land management practices and policies.
- (4) The purpose of the program is to provide:
 - (a) better data for the Legislature and state agencies in their decision-making processes on issues relating to tourism and outdoor recreation;
 - (b) a base of information and expertise to assist community officials as they attempt to balance the economic, social, and environmental tradeoffs in tourism development; and
 - (c) an interdisciplinary approach of research and study on outdoor recreation

and tourism, a complex sector of the state's economy.

(5) The program shall include an office at the university for coordinating interdepartmental research and extension efforts with different agencies and institutions of higher education.

Enacted by Chapter 398, 1998 General Session

53B-18-801. Establishment of the center -- Purpose -- Duties and responsibilities.

(1) There is hereby established the Center for the School of the Future at Utah State University, hereafter referred to as "the center."

(2) (a) The purpose of the center is to promote best practices in the state's public education system and encourage cooperative and research development relationships between public and higher education.

(b) For purposes of this section "best practices" means the best process or system that effectively achieves an educational objective.

(3) The center has the following duties and responsibilities:

(a) to direct its efforts to those education issues judged to be of greatest importance by the State Office of Education, school districts, and their patrons, subject to the availability of funds to sustain its efforts;

(b) to coordinate and collaborate with education stakeholders, such as institutions of higher education, the State Office of Education, school districts, parent-teacher organizations, and other public and private educational interests in identifying or developing and then implementing best practices throughout the state's public education system;

(c) to contribute to the creation and maintenance of a public education system that continually and systematically improves itself by building upon the most effective education policies, programs, and practices and rejecting those that are less effective;

(d) to identify problems and challenges in providing educational and related services to all students in the public schools, including special education students and students at risk;

(e) to identify current public and private resources at both the state and national level that are available to resolve problems or overcome challenges within the public education system and seek additional resources as necessary; and

(f) to support the implementation of best practices in the public education system through professional development programs and dissemination of information.

(4) The center in collaboration with the State Office of Education shall:

(a) clarify the problems and challenges identified under this section, identify desired outcomes, and agree upon measures of outcomes;

(b) prioritize the problems and challenges;

(c) identify readily accessible resources to solve problems and challenges, including best practices that could be implemented with little or no adaptation;

(d) determine whether new programs or procedures should be developed, and estimate the extent of effort required for that development;

(e) determine which existing programs should be eliminated; and

(f) assist in implementing solutions, monitoring accomplishments, disseminating

results, and facilitating the extension of successful efforts to new settings.

Enacted by Chapter 333, 1999 General Session

53B-18-901. Distance Education Doctorate Program.

(1) The Legislature finds that:

(a) many Utah public education administrators are nearing the end of their careers and will retire early in the 21st Century;

(b) Utah public schools have many mid-career faculty that could become the next wave of administrators if they were prepared with a doctorate in education degree that emphasized curriculum and instruction;

(c) each of Utah's community colleges have several faculty that need a terminal degree and further knowledge in curriculum development and state-of-the-art instructional methodology, and these individuals, being mid-career, find it difficult to relocate to a college campus for a traditional program; and

(d) the state and its students will be better served if faculty and administrators are more knowledgeable about the development of curriculum and the latest instructional methodology based on documented research.

(2) Therefore, Utah State University shall establish a Distance Education Doctorate Program to accommodate public education administrators and community college faculty and administration.

(3) The program shall include the following components:

(a) the offering of courses for a doctorate degree in education over the system established under Title 53B, Chapter 17, Part 1, Educational Telecommunications;

(b) structuring of the program to make it identical to a regular campus program in rigor and course work; and

(c) providing a support system from at least the following five departments at the university:

(i) Elementary Education;

(ii) Secondary Education;

(iii) Business Information Systems and Education;

(iv) Industrial Technology; and

(v) Agricultural Systems Technology and Education.

(4) The university shall augment the program with off-campus summer courses, with those courses eventually being offered over the system established under Title 53B, Chapter 17, Part 1, Educational Telecommunications.

(5) The Legislature shall provide an annual appropriation to fund the program established under this part.

Amended by Chapter 63, 2014 General Session

53B-18-1001. Definitions.

As used in this part:

(1) "Alliance" means the Utah Heritage Highway 89 Alliance.

(2) "Center" means the Mormon Pioneer Heritage Center.

(3) "Counties" means the counties of Sanpete, Sevier, Piute, Wayne, Garfield,

and Kane.

Enacted by Chapter 23, 2004 General Session

53B-18-1002. Establishment of the center -- Purpose -- Duties and responsibilities.

(1) There is established the Mormon Pioneer Heritage Center in connection with Utah State University.

(2) The purpose of the center is to coordinate interdepartmental research and extension efforts in recreation, heritage tourism, and agricultural extension service and to enter into cooperative contracts with the United States Departments of Agriculture and the Interior, state, county, and city officers, public and private organizations, and individuals to enhance Mormon pioneer heritage.

(3) The center has the following duties and responsibilities:

(a) to support United States Congressional findings that the landscape, architecture, traditions, products, and events in the counties convey the heritage of pioneer settlements and their role in agricultural development;

(b) to coordinate with extension agents in the counties to assist in the enhancement of heritage businesses and the creation of heritage products;

(c) to foster a close working relationship with all levels of government, the private sector, residents, business interests, and local communities;

(d) to support United States Congressional findings that the historical, cultural, and natural heritage legacies of Mormon colonization and settlement are nationally significant;

(e) to encourage research and studies relative to the variety of heritage resources along the 250-mile Highway 89 corridor from Fairview to Kanab, Utah, and Highways 12 and 24, the All American Road, to the extent those resources demonstrate:

(i) the colonization of the western United States; and

(ii) the expansion of the United States as a major world power;

(f) to demonstrate that the great relocation to the western United States was facilitated by:

(i) the 1,400 mile trek from Illinois to the Great Salt Lake by the Mormon Pioneers; and

(ii) the subsequent colonization effort in Nevada, Utah, the southeast corner of Idaho, the southwest corner of Wyoming, large areas of southeastern Oregon, much of southern California, and areas along the eastern border of California; and

(g) to assist in interpretive efforts that demonstrate how the Boulder Loop, Capitol Reef National Park, Zion National Park, Bryce Canyon National Park, and the Highway 89 area convey the compelling story of how early settlers:

(i) interacted with Native Americans; and

(ii) established towns and cities in a harsh, yet spectacular, natural environment.

(4) The center, in collaboration with the United States Department of the Interior, the National Park Service, the United States Department of Agriculture, the United States Forest Service, the Utah Department of Heritage and Arts, the Utah Division of State History, and the alliance and its intergovernmental local partners, shall:

(a) assist in empowering communities in the counties to conserve, preserve, and enhance the heritage of the communities while strengthening future economic opportunities;

(b) help conserve, interpret, and develop the historical, cultural, natural, and recreational resources within the counties; and

(c) expand, foster, and develop heritage businesses and products relating to the cultural heritage of the counties.

(5) The center, in collaboration with the United States Department of the Interior, the National Park Service, and with funding from the alliance, shall develop a heritage management plan.

Amended by Chapter 212, 2012 General Session

53B-18-1101. Higher Education Engineering Partnership.

(1) Utah State University and Weber State University shall enter into a partnership agreement to jointly deliver a bachelor's degree in electrical engineering to meet the demand for electrical engineers in the state, including the demand at Hill Air force Base.

(2) The partnership agreement may provide for:

(a) a satellite location for the Utah State University electrical engineering program on a Weber State University campus, including the Davis campus; and

(b) a curriculum using courses from:

(i) Weber State University's electrical engineering technology and general education programs; and

(ii) Utah State University's electrical engineering bachelor's degree program and other related programs.

Enacted by Chapter 336, 2007 General Session

53B-18-1201. Utah State University Eastern.

(1) (a) There is established a comprehensive regional college of Utah State University called Utah State University Eastern.

(b) Utah State University shall:

(i) possess all rights, title, privileges, powers, immunities, franchises, endowments, property, and claims of the College of Eastern Utah; and

(ii) fulfill and perform all obligations of Utah State University Eastern, including obligations relating to outstanding bonds and notes.

(2) Utah State University Eastern contains campuses in the following locations:

(a) Price, Utah; and

(b) Blanding, Utah.

(3) (a) Utah State University Eastern is under the authority and direction of the Utah State University president and Utah State University board of trustees.

(b) (i) The governor shall appoint nine individuals to the Utah State University board of trustees with the consent of the Senate.

(ii) One of the nine individuals described in Subsection (3)(b)(i) shall reside in the Utah State University Eastern service region.

- (c) The board shall establish a policy defining the service region.
- (4) (a) Utah State University Eastern shall be administered by a chancellor.
- (b) The chancellor of Utah State University Eastern is appointed by the president of Utah State University and reports directly to the president of Utah State University.
- (5) (a) The president of Utah State University shall appoint a regional advisory council to advise the president and chancellor regarding local issues relating to the college.
- (b) The chancellor shall provide the Utah State University president with recommendations for the regional advisory council.
- (c) The regional advisory council:
 - (i) shall include the Utah State University Eastern Student Association president; and
 - (ii) may include:
 - (A) residents of the counties in the Utah State University Eastern service region, as defined by board policy; and
 - (B) alumni of Utah State University Eastern.
- (6) Utah State University Eastern is the legal entity that was formerly known as Utah State University - College of Eastern Utah. Utah State University - College of Eastern Utah was the legal entity that was formerly known as College of Eastern Utah.

Amended by Chapter 465, 2013 General Session

53B-18-1301. Veterinary education program -- Partnership agreement.

- (1) With the approval of the State Board of Regents, Utah State University may enter into a partnership agreement with Washington State University to establish a veterinary education program.
- (2) The partnership agreement may provide that:
 - (a) (i) initially, up to 20 Utah resident students and 10 nonresident students may be accepted each year into a four-year program leading to a doctorate in veterinary medicine; and
 - (ii) if resources become available to expand the doctoral program in veterinary medicine, additional Utah resident students and nonresident students may be accepted into the program; and
- (b) students accepted into the doctoral program in veterinary medicine pursuant to Subsection (2)(a) complete the first and second years of study at Utah State University and the third and fourth years of study at Washington State University.
- (3) Subject to future budget constraints, the Legislature shall annually provide an appropriation to pay for the nonresident portion of tuition for Utah students enrolled at Washington State University under a partnership agreement authorized by this section for the third and fourth years of a doctoral program in veterinary medicine.

Enacted by Chapter 249, 2011 General Session

53B-19-101. Establishment of state arboreta -- Purpose.

In recognition of the cultural role that trees and shrubbery and birds and bees

have played in the settlement and development of this state and the hardships that many of the pioneers endured to bring to this land seeds, plants, trees, and shrubs which have contributed so much to the scenic beauty of this state, it is deemed expedient that state arboreta be established for the purpose of further developing a knowledge and appreciation of trees and shrubs and to provide a place where they may be planted and cultivated as memorials and for the cultural enjoyment of the people of the state.

Enacted by Chapter 167, 1987 General Session

53B-19-102. Establishment of state arboreta at University of Utah and Utah State University.

State arboreta are created and established at the University of Utah and Utah State University. The universities may, on behalf of the people of this state, cultivate a greater knowledge and public appreciation for the trees and plants around us, as well as those growing in remote sections of the country and world.

Amended by Chapter 4, 1993 General Session

53B-19-103. Acceptance of gifts by University of Utah and Utah State University.

The University of Utah and Utah State University are authorized to receive gifts, contributions, and donations of all kinds, including gifts and contributions of trees, plants, and shrubbery of every variety to promote the purposes and pursuits of an arboretum.

Enacted by Chapter 167, 1987 General Session

53B-20-101. Property of institutions to vest in state board.

The State Board of Regents is the successor to, and vested with, all the powers and authority relating to all properties, real and personal, tangible and intangible, and to the control and management of the property which was held by the governing board of each institution prior to the creation of the board.

Enacted by Chapter 167, 1987 General Session

53B-20-102. Vesting of rights, claims, and causes of action in higher education institutions -- Right to sue in corporate name.

All rights, claims, and causes of action to or for any property vested in an institution of higher education prior to the effective date of this chapter, or the use of or income from the property, or for any conversion, disposition, and withholding of the property, or for any damage or injury to the property vests in the institution. The institution may bring and maintain actions in its corporate name to recover, protect, and preserve all property and rights of the institution and enforce any contract relating to those rights and property.

Enacted by Chapter 167, 1987 General Session

53B-20-103. Powers of state board -- Capital facilities projects -- Exceptions.

(1) As used in this section, "capital facilities projects and buildings" includes any one or more institutional projects and buildings.

(2) The board, on behalf of the institutions of higher education, may:

(a) acquire, purchase, construct, improve, remodel, add to, and extend capital facilities projects and buildings including necessary and related utilities;

(b) accept buildings, land, or a combination of buildings and land, donated to an eligible higher education institution without obtaining approval of the donation from the director of the Division of Facilities Construction and Management;

(c) acquire necessary and suitable equipment, furnishings, and land for institutional projects and buildings;

(d) set aside portions of campuses for institutional projects and buildings;

(e) maintain and operate institutional projects and buildings; and

(f) impose and collect rents, fees, and charges for the use of institutional projects and buildings.

(3) Notwithstanding any other provision of law, if a donor donates land to an eligible institution of higher education and commits to build a building or buildings on that land, and the institution agrees to provide funds for the operations and maintenance costs from sources other than state funds, and agrees that the building or buildings will not be eligible for state capital improvement funding, the higher education institution may:

(a) oversee and manage the construction without involvement, oversight, or management from the Division of Facilities Construction and Management; or

(b) arrange for management of the project by the Division of Facilities Construction and Management.

Amended by Chapter 342, 1998 General Session

53B-20-104. Buildings and facilities -- Board approval of construction and purchases -- Rules.

(1) The board shall approve all new construction, repair, or purchase of educational and general buildings and facilities financed from any source at all institutions subject to the jurisdiction of the board.

(2) An institution may not submit plans or specifications to the State Building Board for the construction or alteration of buildings, structures, or facilities or for the purchases of equipment or fixtures for the structure without the authorization of the board.

(3) The board shall make rules establishing the conditions under which facilities may be eligible to request state funds for operations and maintenance.

(4) Before approving the purchase of a building, the board shall:

(a) determine whether or not the building will be eligible for state funds for operations and maintenance by applying the rules adopted under Subsection (3); and

(b) if the annual request for state funding for operations and maintenance will be

greater than \$100,000, notify the speaker of the House, the president of the Senate, and the cochair of the Infrastructure and General Government subcommittee of the Legislature's Joint Appropriation Committee.

Amended by Chapter 242, 2012 General Session

53B-20-105. Institutional right to receive and convert grants, gifts, devises, or bequests.

(1) Each institution may convert property received by gift, grant, devise, or bequest, and not suitable for its use, into other property or into money. All property received or converted under this subsection shall be held, invested, and managed and the proceeds used for the purposes and under the conditions prescribed in the grant or donation.

(2) If a condition is imposed by the terms of a grant, gift, devise, or bequest which is impracticable under the law, the grant is still valid. However, the condition must be rejected and the intent of the grantor carried out as nearly as may be possible.

(3) A grant, gift, devise, or bequest for the benefit of the institution is not defeated or prejudiced by any misnomer, misdescription, or informality, if the intent of the grantor or donor can be shown or ascertained with reasonable certainty.

Enacted by Chapter 167, 1987 General Session

53B-20-106. Property exempt from taxes and assessments.

The property of the institutions governed by the board is exempt from all taxes and assessments.

Enacted by Chapter 167, 1987 General Session

53B-21-101. Financing of projects or buildings -- Issuance of bonds -- Sale price determined by board -- Payment of bonds -- Bonds exempt from income taxation.

(1) In order to pay all or part of the cost of the acquisition, purchase, construction, improvement, remodeling, addition to, extension, equipment, and furnishing of any project or building, including the acquisition of all necessary land, the board, on behalf of the institution for which this is to be done, may do the following: (a) borrow money on the credit of the income and revenues to be derived from the operation of the building, the imposition of student building fees, land grant interest, and net profits from proprietary activities, or from sources other than by appropriations by the Legislature to issuing institutions and, in anticipation of the collection of this income and revenues, issue negotiable bonds of the institution in an amount as the board determines is necessary for these purposes; and (b) provide for the payment of these bonds and the rights of their holders as provided in this chapter.

(2) Bonds may: (a) be issued in one or more series; (b) bear any date or dates; (c) mature at any time or times not exceeding 40 years from their date; (d) be in any denominations; (e) be in any form, either coupon or registered; (f) carry registration and conversion privileges; (g) be executed in any manner; (h) be payable in any medium of

payment at any place; (i) be subject to any terms of redemption with or without premium; and (j) bear interest at any rate or rates as provided by resolution adopted by the board at or prior to the sale of the bonds.

(3) The bonds may be sold in a manner, at the lowest obtainable rate or rates of interest, and at a price or prices as determined by the board. These determinations are conclusive.

(4) The board may authorize one issue of bonds for the acquisition, purchase, construction, improvement, remodeling, adding to, extending, furnishing, or equipping of more than one building, including the acquisition of all necessary land, and may make the bonds payable from the combined revenues of all the buildings as well as from student building fees, land grant interest, net profits from proprietary activities, and from sources other than those derived from appropriations from the Legislature.

(5) The bonds issued under this chapter have all of the qualities and incidents of negotiable paper and are not subject to state or local income taxation.

Enacted by Chapter 167, 1987 General Session

53B-21-102. Bonds do not create state indebtedness -- Special obligations -- Discharge of bonded indebtedness -- Agreements and covenants by the board regarding bonds -- Enforcement by court action.

(1) (a) The bonds issued under this chapter are not an indebtedness of the state, of the institution for which they are issued, or of the board.

(b) They are special obligations payable solely from the revenues derived from the operation of the building and student building fees, land grant interest, net profits from proprietary activities, and any other revenues pledged other than appropriations by the Legislature as provided in Sections 53B-21-101 and 53B-21-111.

(c) (i) Notwithstanding any other provision of law, the chair of the board shall certify annually by December 1 any amount required to:

(A) restore any debt service reserve funds established by the board for bonds issued under this chapter to the amount required by the related authorizing proceedings; or

(B) meet projected shortfalls of payment of principal or interest or both for the following year on any bonds issued under this chapter.

(ii) The governor may request from the Legislature an appropriation of the amount certified under Subsection (1)(c)(i) to restore the debt service reserve funds to their required amounts or to meet any projected principal or interest payment deficiency.

(d) (i) The state may not alter, impair, or limit the rights of bondholders or persons contracting with the board until the bonds, including interest and other contractual obligations, are fully met and discharged.

(ii) Nothing in this chapter precludes an alteration, impairment, or limitation if provision is made by law for the protection of bondholders or persons entering into contracts with the board.

(2) The board shall pledge all or any part of the revenues to the payment of principal of and interest on the bonds.

(3) In order to secure the prompt payment of principal and interest and the

proper application of the revenues pledged, the board may, by appropriate provisions in the resolution authorizing the bonds:

- (a) covenant as to the use and disposition of the proceeds of the sale of the bonds;

- (b) covenant as to the operation of the building and the collection and disposition of the revenues derived from the operation;

- (c) collect student building fees from all students, and pledge the fees to the payment of building bonds;

- (d) covenant as to the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement into which it may enter in authorizing and issuing the bonds;

- (e) covenant and agree to carry insurance on the building, and its use and occupancy, and provide that the cost of any insurance is part of the expense of operating the building;

- (f) vest in a trustee:

- (i) the right to receive all or any part of the income and revenues pledged and assigned to or for the benefit of the holder or holders of the bonds issued under this chapter, and to hold, apply, and dispose of the income and revenue; and

- (ii) the right to:

- (A) enforce any covenant made to secure the bonds;

- (B) execute and deliver a trust agreement which sets forth the powers and duties and the remedies available to the trustee and limits the trustee's liabilities; and

- (C) prescribe the terms and conditions upon which the trustee or the holders of the bonds in any specified amount or percentage may exercise such rights and enforce any or all covenants and resort to any appropriate remedies;

- (g) (i) fix rents, charges, and fees, including student building fees, to be imposed in connection with and for the use of the building and its facilities, which are:

- (A) income and revenues derived from the operation of the building; and

- (B) expressly required to be fully sufficient either by themselves or with land grant interest and net profits from proprietary activities, or from sources other than by appropriations by the Legislature to such issuing institutions to assure the prompt payment of principal of and interest on the bonds as each becomes due; and

- (ii) make and enforce rules with reference to the use of the building and with reference to requiring any class or classes of students to use the building as desirable for the welfare of the institution and its students or for the accomplishment of the purposes of this chapter;

- (h) covenant to maintain a maximum percentage of occupancy of the building;

- (i) covenant against the issuance of any other obligations payable from the revenues to be derived from the building, unless subordinated;

- (j) make provision for refunding;

- (k) covenant as to the use and disposition of sources of revenue other than those derived from appropriations by the Legislature, and pledge those sources of revenues to the payment of bonds issued under this chapter;

- (l) make other covenants considered necessary or advisable to effect the purposes of this chapter; and

- (m) delegate to the chair, vice-chair, or chair of the Budget and Finance

Subcommittee the authority:

(i) to approve any changes with respect to interest rate, price, amount, redemption features, and other terms of the bonds as are within reasonable parameters set forth in the resolution; and

(ii) to approve and execute all documents relating to the issuance of the bonds.

(4) (a) The agreements and covenants entered into by the board under this section are binding in all respects upon the board and its officials, agents, and employees, and upon its successors.

(b) They are enforceable by appropriate action or suit at law or in equity brought by any holder or holders of bonds issued under this chapter.

Amended by Chapter 324, 2010 General Session

53B-21-103. Agreements with federal government for funds.

The board may enter into an agreement with the federal government in order to obtain funds for the following purposes: (1) to supplement bond proceeds used to pay for the projects referred to in Section 53B-21-101; and (2) to supplement income and revenues which, under this chapter, are used to pay debt service on bonds issued under this chapter.

Enacted by Chapter 167, 1987 General Session

53B-21-104. Deposit of bond proceeds -- State Building Board responsibilities -- Approval of Division of Facilities Construction and Management.

(1) The State Board of Regents' treasurer or other fiscal officer, with the approval of the state treasurer, deposits the proceeds from the sale of bonds under this chapter into a special Construction Trust Fund Account established in compliance with the State Money Management Act of 1974.

(2) The proceeds are credited to the board on behalf of the institution of higher education for which the bonds were issued.

(3) The proceeds are kept in a separate fund and used solely for the purpose for which they were authorized by the board.

(4) The State Building Board makes all contracts and executes all instruments which it considers necessary to provide for the projects referred to in Section 53B-21-101.

(5) The proceeds in the special Construction Trust Fund Account shall be disbursed only upon receipt of written statements supported by itemized estimates and claims presented to the Division of Facilities Construction and Management as provided in the resolution authorizing the issuance of the bonds.

Enacted by Chapter 167, 1987 General Session

53B-21-105. Disposition and use of income from operation of buildings -- Payment of principal and interest on bonds.

(1) Except for the revenues paid directly to a trustee under Subsection

53B-21-102(3)(f), all income and revenues from the operation of the buildings under this chapter are deposited as collected in a fund established in compliance with the State Money Management Act.

(2) (a) This money is for the payment of the principal and interest on the bonds authorized under this chapter.

(b) The money shall also be used, to the extent provided in the resolution authorizing the bonds, to pay for the cost of maintaining and operating the building and to establish reserves for that purpose.

(3) The State Board of Regents treasurer or other designated fiscal officer shall, not less than 15 days prior to the date interest and principal payments are due, transmit to the paying agent sufficient money from the fund to pay the obligation.

Amended by Chapter 342, 2011 General Session

53B-21-106. Examination and certification of bonds by attorney general -- Recital of certification -- Incontestability of bonds.

(1) The resolutions and proceedings authorizing the issuance and confirming sale of bonds under this chapter are submitted to the attorney general for examination.

(2) When the resolutions and proceedings have been examined and the bonds certified as legal obligations by the attorney general, the bonds are incontestable in any court in the state unless suit is brought within 30 days from the date of the approval.

(3) A bond authorized under this section shall contain a recital on its face in substantially the following form: "This bond is one of a series of bonds which were certified as legal obligations by the attorney general of the state of Utah on ____."

(4) Bonds authorized, issued, and sold under resolutions and proceedings approved by the attorney general are prima facie valid and binding obligations according to their terms.

(5) The only defense which may be offered in any suit instituted after the 30-day period has expired is forgery, fraud, or violation of the Constitution.

Enacted by Chapter 167, 1987 General Session

53B-21-107. Investment in bonds by private and public entities -- Approval as collateral security.

(1) Any bank, savings and loan association, trust, or insurance company organized under the laws of this state or federal law may invest its capital and surplus in bonds issued under this chapter.

(2) The officers having charge of a sinking fund or any county, city, town, township, or school district may invest the sinking fund in bonds issued under this chapter.

(3) The bonds shall also be approved as collateral security for the deposit of any public funds and for the investment of trust funds.

Enacted by Chapter 167, 1987 General Session

53B-21-108. Financing project by contract or lease agreement instead of

by bond issue -- Authority of board -- Term of lease -- Terms of agreement -- Board covenants.

(1) Whenever the board, by resolution, finds and declares it preferable to acquire a project under this chapter by purchase or lease of the facilities constituting the project under an agreement which provides the consideration for the purchase or lease to be paid in installments during a period not exceeding 40 years, rather than through the issuance of revenue bonds by the board in the manner provided in this chapter, it may do so upon compliance with this section.

(2) The board may lease any portion of the campus of the institution necessary as a site for a project which the board is authorized to acquire under Section 53B-20-103, to any person, for a term not exceeding 40 years.

(3) The agreement authorized to be entered into by the board shall provide that the person shall construct, improve, remodel, add to, or extend a project of the type and construction described in the agreement on the part of the campus to be leased to the person, or on such real property as may be acquired for that purpose by the person.

(4) The agreement shall further provide for the leasing of the project, including necessary equipment, furnishings, and land, from the person to the board executing the agreement, for a period not exceeding 40 years.

(5) Prior to the execution of the agreement, the person proposing to lease the project, including the necessary equipment, furnishings, and land, to the board shall submit to the board all plans, specifications, and estimates for the project.

(6) The plans, specifications, and estimates shall be approved by resolution of the board prior to the execution of the agreement.

(7) The board may, by appropriate provisions in the agreement:

- (a) covenant as to the use which will be made of the project;
- (b) covenant as to the operation, maintenance, and supervision of the project;
- (c) covenant to collect fees and charges from all students and other persons availing themselves of the use of the accommodations and facilities of the project;
- (d) covenant to levy and collect student building fees from all regular and part-time students enrolled in the institution for the use and availability of the project;
- (e) covenant as to the collection, use, and disposition of the proceeds arising from the collection of all the revenues, fees, and charges;
- (f) covenant to impose and collect fees and charges in amounts adequate to pay all costs incurred in maintaining and operating the project and to pay the amortization of the acquisition cost of the project, including necessary equipment and furnishings, and interest on the unpaid part of the acquisition cost, whether represented by rental installments or otherwise;
- (g) covenant to pledge all revenues, fees, and charges, including student building fees, arising from the ownership and operation of the project to the payment of the rental installments provided for under the terms of the contract or lease agreement;
- (h) covenant as to the rights, liabilities, powers, and duties arising from the breach of any covenant or agreement contained in the agreement;
- (i) covenant and agree to carry any insurance on the project, and its use and occupancy, as the board considers desirable, and to provide that the cost of the insurance shall be included as a part of the cost of operating the project;
- (j) covenant to make and enforce such parietal rules and regulations with

reference to the use of the facilities comprising the project, or any part of the project, and with reference to requiring any class of students to use the project, or any part of the project, as the board determines desirable for the institution; and

(k) covenant against the pledging of the revenues, fees, and charges, including student building fees, arising from the ownership and operation of the project for any purpose other than the payment of the rental installments required to be paid under the agreement, or against the issuance of any obligations payable therefrom, unless the pledge or obligations are made subordinate to the agreement. Nothing in this section prevents the board from providing conditions and terms under which pledges may be made and obligations issued on a parity with the pledge of revenues, fees, and charges under the agreement.

(8) It shall be specifically provided in the agreement that the board is not obligated to pay the rental installments or amortization of the acquisition cost of the project, and interest on the unpaid part of the acquisition cost, from any source other than the revenues, fees, and charges arising from the ownership and operation of the project, including student building fees levied for the use and availability of the facilities of the project.

(9) Each agreement shall provide that the rental installments, or amortization of the acquisition cost of the project, including necessary equipment, furnishings, and land, and interest on the unpaid part of the acquisition cost, are not an obligation of the state, and that ad valorem taxes or appropriations from the state may not be used to pay or discharge the amounts required to be paid under the agreement.

(10) The agreement shall also provide that when the amortized acquisition cost, as represented by the rental installments, has been paid in full and when all obligations, if any, issued by the person to finance the cost of the acquisition of the project have been paid in full as to both principal and interest, the agreement terminates and title to the project, including the land upon which the project is situated, and all equipment and furnishings, vests in the board.

(11) The agreement may provide that the board may purchase the project, including the land upon which the project is situated, and all equipment and furnishings, which is subject to the agreement upon terms wherein rental installments previously made, or a portion of them, are deducted from the cost of acquisition of the project, including the land upon which the project is situated, and all equipment and furnishings, as provided for in the agreement.

(12) The board may furnish without charge heat, light, water, power, and similar facilities for any project leased by the board for operation by the board under this section, and all projects acquired and constructed under this section are exempt from taxation.

(13) The agreement may provide that the board may lease the project, including the land upon which the project is situated, and all equipment and furnishings, to any person for a term not exceeding 40 years for operation by any person.

(14) A lease may not be entered into unless the rental to be paid to the board by the person is sufficient to satisfy the rental to be paid by the board to the person from which the project was originally leased. But in no event may the rental paid to the board be less than the fair rental value of the property leased.

Enacted by Chapter 167, 1987 General Session

53B-21-109. Student building fees.

(1) The board issuing bonds under this chapter may impose and collect student building fees from all students in attendance at the institution in behalf of which the bonds are issued.

(2) The board may also pledge the fees in the same manner provided for the pledging of other revenues of the board or institution under this chapter.

Enacted by Chapter 167, 1987 General Session

53B-21-110. Refunding bonds -- Issuance -- Proceeds -- Limitations.

(1) Bonds may be issued under this chapter for the purpose of refunding any bonds previously issued under authority of this chapter, if the bonds to be refunded are due or callable, redeemable, or repurchasable by their terms on or prior to the date that the refunding bonds are issued or will become due or callable, redeemable, or repurchasable by their terms within 10 years thereafter or if the bonds to be refunded, even though not becoming due, callable, redeemable, or repurchasable within this period, are voluntarily surrendered by the bondholders for cancellation at the time of the issuance of the refunding bonds.

(2) These refunding bonds shall have such details, bear such rate of interest, and be otherwise issued and secured as provided by the board authorizing the issuance of the bonds and as otherwise provided in this chapter. However, the changes in the security and revenues pledged to the payment of the bonds may be made by the board as may be provided by it in the proceedings authorizing the bonds, but in no event shall the refunding bonds ever be secured by revenues not authorized by this chapter to be pledged to the payment of bonds issued for other than refunding purposes.

(3) Refunding bonds issued under this chapter may be exchanged for a like principal amount of the bonds to be refunded, may be sold in the manner provided in this chapter for the sale of other bonds, or may be exchanged in part and sold in part. If sold, the proceeds of the sale not required for the payment of expenses may be invested in United States Government obligations or in obligations unconditionally guaranteed by the United States of America in a manner as may be provided in the authorizing resolution, so long as these investments will mature with interest so as to provide funds to pay when due, or called for redemption, the bonds to be refunded together with interest and redemption premiums, if any.

(4) The proceeds or obligations shall, and other funds legally available to the board for such purposes may, be deposited in trust with an FDIC insured bank doing business in Utah, or its successor, to be held for the payment and redemption of bonds to be refunded.

(5) The deposit and any reinvestment shall be held in trust by the escrow agent for the payment of bonds with interest and redemption premiums, if any, on maturity or upon an available redemption date or upon an earlier voluntary surrender with the consent of the board.

(6) No refunding bonds may be issued under this section in a principal amount

in excess of the principal amount of the bonds to be refunded nor may any bonds not maturing or callable for redemption under their terms as provided in this section be refunded without the consent of the holders of the bonds. Refunding bonds authorized and issued under this section may in the discretion of the board be combined with other bonds to be authorized and issued under this chapter, and a single issue of bonds may be authorized, part for improvement and part for refunding purposes.

Enacted by Chapter 167, 1987 General Session

53B-21-111. Authorized loans for acquisition, construction, furnishing, and equipping of projects -- Evidence of indebtedness -- Provisions -- Agreements with lending institutions -- Satisfaction and discharge -- Exemption from taxation.

(1) For the purpose of paying all or part of the costs of a project under Section 53B-21-101, the board, on behalf of the institution of higher education for which the project is to be acquired, constructed, furnished, and equipped, may borrow money on the credit of the income and revenues to be derived from the operation of the project, and from the imposition of student building fees, land grant interest, and net proceeds from proprietary activities or from sources other than by appropriations by the Legislature to the issuing institutions, and to evidence the indebtedness may execute any promissory note or other evidence of indebtedness appropriate, provided the note or other evidence of indebtedness specifies on its face that it does not constitute a general obligation of the state.

(2) The board may, in order to secure the payment of the loan, grant a mortgage, trust deed, or other security device covering all or part of the project, and the land acquired for the project and upon which the project is situated.

(3) The rights and remedies available in the event of a default to the mortgagee, trustee, or other lender are subject to agreement as contained in the mortgage, trust deed, or other security instrument.

(4) The agreement may provide that, in the event of a default in the payment or the violation of any agreement contained in the document, the mortgage, trust deed, or other security instrument may be foreclosed or otherwise realized in any manner permitted by law. However, no deficiency judgment shall lie in any event and no breach of the agreement shall impose any general obligations or liability upon the state or the borrowing institution.

(5) The note or other evidence of indebtedness may have all the qualities and incidents of negotiable paper, and is not subject to taxation by the state, except for the corporate franchise tax, or to taxation by any county, municipality, or political subdivision of the state.

(6) The note or other evidence of indebtedness and mortgage may contain additional provisions with respect to repayment out of the income and revenues derived from the operation of the building, from the imposition of student building fees, land grant interest, and net profits from proprietary activities, or from sources other than appropriations by the Legislature to any issuing institution as the board considers necessary and proper.

(7) The board may enter into an agreement it considers necessary with the

lending institution as to the use which will be made of any project, the operation, maintenance, and supervision of the project, the imposition of fees, charges, and rentals for its use, including the equipment contained therein, and the collection and disposition to be made of the proceeds of fees, charges, and rentals.

(8) In order to secure the prompt payment of principal and interest and to pay the cost of the maintenance and operation of the project, the board has the same power and authority with respect to the indebtedness created under this section as it has in respect to the issuance of bonds under the other provisions of this chapter.

(9) When any obligation owing to finance the cost of any project constructed or acquired under this section has been fully paid as to principal and interest, the mortgage is satisfied and discharged.

(10) All buildings and additions to existing buildings erected, and the equipment therefor, is exempt from taxation as long as the legal title remains in the borrowing agency.

Enacted by Chapter 167, 1987 General Session

53B-21-112. Financing projects and buildings -- Security instruments -- Terms.

(1) In connection with the financing of any project or building under this chapter, the board, on behalf of an institution of higher education, may grant a purchase money mortgage, trust deed, or other security device pledging any land, buildings, furnishings, equipment, or other facilities to be acquired or constructed and paid for from the proceeds of the financing.

(2) The rights and remedies available in the event of a default to the mortgagee, trustee, or lender shall be as agreed upon between the board and the lender and contained in the document.

(3) In making any agreements, the board does not have the power to obligate itself or the state, except with respect to: (a) the project; (b) the building and the application of the revenues from it; (c) the revenues from any special fund pledged to repay it; (d) the proceeds of any ad valorem tax; or (e) any appropriations from the Legislature of the state.

(4) Any purchase money mortgage, trust deed, or other security device made or granted by the board to secure the loan or other method of financing may also provide that in the event of a default in payment or the violation of any agreement, the mortgage, trust deed, or security device may be foreclosed or otherwise realized in any manner permitted by law. However, no deficiency judgment shall lie in any event and the breach of the agreement does not impose any general obligation or liability upon the board, the state, the proceeds of ad valorem taxes, or appropriations from the Legislature.

(5) The purchase money mortgage, trust deed, or other security device may also provide that any mortgagee, trustee, lender, or the holder of any evidence of indebtedness secured by the security instrument may become the purchaser at any foreclosure sale, if the highest bidder.

Enacted by Chapter 167, 1987 General Session

53B-21-113. Limitation on issuance of bonds.

No bonds may be authorized or issued by the State Board of Regents or the board of any institution under this chapter without the prior approval of the Legislature.

Enacted by Chapter 167, 1987 General Session

53B-22-102. Utah State University revenue bonds -- Student family housing and Human Resource Research Center.

(1) The State Board of Regents, on behalf of Utah State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah State University to borrow money on the credit of the income and revenues of Utah State University, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a student family housing project and a Human Resource Research Center.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$6,600,000 for the student family housing project and \$6,000,000 for the Human Resource Research Center, and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Amended by Chapter 332, 1995 General Session

53B-22-103. Weber State University revenue bonds -- Student services building.

(1) The State Board of Regents, on behalf of Weber State University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Weber State University to borrow money on the credit of the income and revenues of Weber State University, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a student services building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,800,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 32, 1991 General Session

53B-22-104. Southern Utah University revenue bonds -- Student housing and student center addition.

(1) The State Board of Regents, on behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Southern Utah University to borrow money on the credit of the income and revenues of Southern Utah University, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a student housing project and a student center addition.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$6,000,000 for the student housing project and \$5,500,000 for the

student center addition and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Amended by Chapter 177, 1992 General Session

53B-22-105. Dixie College revenue bonds -- Student center building.

(1) The State Board of Regents, on behalf of Dixie College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Dixie College to borrow money on the credit of the income and revenues of Dixie College, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a student center building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$3,100,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 32, 1991 General Session

53B-22-106. Utah Valley State College revenue bonds -- Student center addition.

(1) The State Board of Regents, on behalf of Utah Valley State College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Utah Valley State College to borrow money on the credit of the income and revenues of Utah Valley State College, other than appropriations of the Legislature, to finance the cost of constructing, furnishing, and equipping a student center addition.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$13,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Amended by Chapter 143, 2000 General Session

53B-22-107. Salt Lake Community College revenue bonds -- Classroom/physical education facility.

(1) The State Board of Regents, on behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Salt Lake Community College to borrow money on the credit of the income and revenues of Salt Lake Community College, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a classroom/physical education facility.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under such terms and conditions and in such amounts as the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 32, 1991 General Session

53B-22-109. Salt Lake Community College revenue bonds -- Science/major industry building.

(1) The State Board of Regents, on behalf of Salt Lake Community College, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Salt Lake Community College to borrow money on the credit of the income and revenues of Salt Lake Community College, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a science/major industry building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,150,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Amended by Chapter 209, 1994 General Session

53B-22-111. Southern Utah University revenue bonds -- Stadium expansion.

(1) The State Board of Regents, on behalf of Southern Utah University, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of Southern Utah University to borrow money on the credit of the income and revenues of Southern Utah University, other than appropriations of the Legislature, to finance the phased expansion of the stadium at the university.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$5,500,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 209, 1994 General Session

53B-22-112. University of Utah revenue bonds -- Biology research building.

(1) The State Board of Regents, on behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on the credit of the income and revenues of the University of Utah, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a biology research building.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$21,050,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 332, 1995 General Session

53B-22-113. University of Utah revenue bonds -- Robert L. Rice Stadium

renovation and expansion.

(1) The State Board of Regents, on behalf of the University of Utah, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the University of Utah to borrow money on the credit of the income and revenues of the University of Utah, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a renovation and expansion of the Robert L. Rice Stadium.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$12,000,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 332, 1995 General Session

53B-22-114. College of Eastern Utah revenue bonds -- Student center.

(1) The State Board of Regents, on behalf of the College of Eastern Utah, may issue, sell, and deliver revenue bonds or other evidences of indebtedness of the College of Eastern Utah to borrow money on the credit of the income and revenues of the College of Eastern Utah, other than appropriations of the Legislature, to finance the partial cost of constructing, furnishing, and equipping a student center.

(2) The bonds or other evidences of indebtedness authorized by this section may not exceed \$3,300,000 and shall be issued in accordance with Title 53B, Chapter 21, Revenue Bonds, under terms and conditions and in amounts that the board, by resolution, determines are reasonable and necessary.

Enacted by Chapter 332, 1995 General Session

53B-23-101. Title.

This chapter is known as the "Instructional Materials for Students with a Disability Act."

Amended by Chapter 366, 2011 General Session

53B-23-102. Definitions.

For purposes of this chapter:

(1) (a) "Instructional material or materials" means textbooks and other materials written and published primarily for use by students in postsecondary instruction that are required or essential to a student's success in a course of study in which a student with a disability is enrolled. The determination of which materials are "required or essential to student success" shall be made by the instructor of the course in consultation with the official making the request pursuant to Section 53B-23-103 in accordance with rules issued pursuant to Section 53B-23-106.

(b) "Instructional material or materials" does not include nontextual mathematics and science materials until the time software becomes commercially available that permits the conversion of existing electronic files of the materials into a format that is compatible with braille translation software or alternative media for students with

disabilities.

(2) "Printed instructional material or materials" means instructional material or materials in book or other printed form.

(3) "Nonprinted instructional materials" means instructional materials in formats other than print, and includes instructional materials that require the availability of electronic equipment in order to be used as a learning resource, including software programs, video disks, and video and audio tapes.

(4) "State institution of higher education" means an institution listed in Section 53B-2-101.

(5) "Specialized format" means braille, audio, or digital text that is exclusively for use by blind or other persons with disabilities.

(6) (a) "Structural integrity" means all of the printed instructional material, including the text of the material, sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, glossaries, and bibliographies.

(b) "Structural integrity" need not include nontextual elements such as pictures, illustrations, graphs, or charts.

Enacted by Chapter 301, 2006 General Session

53B-23-103. Instructional materials to be provided in electronic format.

(1) (a) On or after January 1, 2009, any person that publishes or manufactures printed instructional material for students attending a state institution of higher education shall provide to the institution for use by students attending the institution any printed instructional material in an electronic format mutually agreed upon by the publisher or manufacturer and the institution.

(b) Computer files or electronic versions of the printed instructional material shall:

- (i) maintain the structural integrity of the printed instructional material;
- (ii) be compatible with commonly used braille translation and speech synthesis software; and
- (iii) include corrections and revisions as may be necessary.

(c) If good faith efforts fail to produce an agreement pursuant to Subsection (1)(a) between the publisher or manufacturer and the institution as to an electronic format that will preserve the structural integrity of the printed instructional material, the publisher or manufacturer shall provide the instructional material in ASCII text and shall preserve as much of the structural integrity of the printed instructional material as possible.

(2) The computer files or electronic versions of the printed instructional material shall be provided to the institution at no additional cost and in a timely manner, upon receipt of a written request that:

- (a) certifies that the institution has purchased the printed instructional material for use by a student with a disability or that a student with a disability attending or registered to attend that institution has purchased the printed instructional material;
- (b) certifies that the student has a disability that prevents the student from using standard instructional materials;
- (c) certifies that the printed instructional material is for use by the student in

connection with a course in which the student is registered or enrolled at the institution; and

(d) is signed by the coordinator of services for students with disabilities at the institution or by the official responsible for monitoring compliance with the Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq. at the institution.

(3) A publisher or manufacturer providing instructional materials in an electronic format to an institution may require that, in addition to the requirements specified in Subsections (2)(a) through (2)(d), the request shall include a statement signed by the student that:

(a) the student will use the electronic copy of the printed instructional material in specialized format solely for the student's own educational purposes; and

(b) the student will not copy or duplicate the printed instructional material for use by others.

(4) If an institution permits a student to directly use the electronic version of an instructional material, the disk or file shall be copy-protected or the institution shall take other reasonable precautions to ensure that the student does not copy or distribute electronic versions of instructional materials in violation of the Copyright Revisions Act of 1976, 17 U.S.C. Sec. 101 et seq.

(5) A person that publishes or manufactures nonprinted instructional materials for students attending a state institution of higher education shall provide computer files or other electronic versions of the nonprinted instructional materials for use by students attending the institution subject to the same requirements specified in Subsections (1) and (2) for printed instructional materials, when technology is available to convert the nonprinted instructional materials to a format that maintains the structural integrity of the nonprinted instructional materials that is compatible with braille translation and speech synthesis software.

(6) Nothing in this chapter shall be construed to prohibit an institution from assisting a student with a disability by using the electronic version of printed instructional material provided pursuant to this section solely to transcribe or arrange for the transcription of the printed instructional materials into braille. If a transcription is made, the institution shall have the right to share the braille copy of the printed instructional material with other students with disabilities.

Enacted by Chapter 301, 2006 General Session

53B-23-104. Centers for processing requests for electronic versions of instructional materials.

(1) The State Board of Regents may establish one or more centers to process requests for electronic versions of instructional materials pursuant to this chapter.

(2) The institutions designated as within the jurisdiction of a center shall submit requests for instructional material to the center, which shall transmit the request to the publisher or manufacturer.

(3) If there is more than one center, each center shall make every effort to coordinate requests.

(4) The publisher or manufacturer of instructional material shall be required to honor and respond to only those requests submitted through a designated center.

(5) If a publisher or manufacturer has responded to a request for instructional materials by a center, all subsequent requests for those instructional materials shall be satisfied by the center to which the request is made.

Enacted by Chapter 301, 2006 General Session

53B-23-105. Infringement of copyright laws not authorized.

Nothing in this chapter shall be considered to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended, 17 U.S.C. Sec. 101 et seq.

Enacted by Chapter 301, 2006 General Session

53B-23-106. State Board of Regents to make rules.

The State Board of Regents shall adopt rules consistent with this section for its implementation and administration, including rules addressing:

- (1) the designation of materials considered "required or essential to student success";
- (2) the determination of the availability of technology for the conversion of nonprinted materials pursuant to Section 53B-23-103 and the conversion of mathematics and science materials pursuant to Section 53B-23-102; and
- (3) the procedures and standards relating to distribution of files and materials pursuant to Section 53B-23-103.

Enacted by Chapter 301, 2006 General Session

53B-24-101. Title.

- (1) This chapter is known as the "Utah Medical Education Council Act."
- (2) This part is known as "General Provisions."

Enacted by Chapter 28, 2013 General Session

53B-24-102. Definitions.

As used in this chapter:

- (1) "Accredited clinical education program" means a clinical education program for a health care profession that is accredited by the Accreditation Council on Graduate Medical Education.
- (2) "Accredited clinical training program" means a clinical training program that is accredited by an entity recognized within medical education circles as an accrediting body for medical education, advanced practice nursing education, physician assistance education, doctor of pharmacy education, or registered nursing education.
- (3) "Council" means the Medical Education Council created under Section 53B-24-302.
- (4) "Health Care Financing Administration" means the Health Care Financing Administration within the United States Department of Health and Human Services.
- (5) "Health care professionals in training" means medical students and

residents, advance practice nursing students, physician assistant students, doctor of pharmacy students, and registered nursing students.

(6) "Program" means the Medical Education Program created under Section 53B-24-202.

Renumbered and Amended by Chapter 28, 2013 General Session

53B-24-201. Title.

This part is known as the "Medical Education Program."

Enacted by Chapter 28, 2013 General Session

53B-24-202. Medical Education Program.

(1) There is created a Medical Education Program to be administered by the Medical Education Council in cooperation with the Division of Finance.

(2) The program shall be funded from money received for graduate medical education from:

- (a) the federal Health Care Financing Administration or other federal agency;
- (b) state appropriations; and
- (c) donation or private contributions.

(3) All funding for this program shall be nonlapsing.

(4) Program money may only be expended if:

- (a) approved by the council; and
- (b) used for graduate medical education in accordance with Subsection

53B-24-303(7).

Renumbered and Amended by Chapter 28, 2013 General Session

53B-24-301. Title.

This part is known as the "Medical Education Council."

Enacted by Chapter 28, 2013 General Session

53B-24-302. Medical Education Council.

(1) There is created the Medical Education Council consisting of the following members appointed by the governor:

- (a) the dean of the school of medicine at the University of Utah;
- (b) a person who represents graduate medical education at the University of Utah;
- (c) a person from each institution, other than the University of Utah, that sponsors an accredited clinical education program;
- (d) a person from the health care insurance industry; and
- (e) three members of the general public who are not employed by or affiliated with any institution that offers, sponsors, or finances health care or medical education; however, the governor may appoint an additional member of the public under this Subsection (1)(e) for each person the governor appoints that increases the total

number of persons appointed under Subsection (1)(c) beyond two.

(2) Except as provided in Subsection (1)(a) and (b), no two council members may be employed by or affiliated with the same:

- (a) institution of higher education;
- (b) state agency outside of higher education; or
- (c) private entity.

(3) The dean of the school of medicine at the University of Utah:

- (a) shall chair the council;
- (b) may not be counted in determining the existence of a quorum; and
- (c) may only cast a vote on a matter before the council if the vote of the other council members results in a tied vote.

(4) The council shall annually elect a vice chair from among the members of the council.

(5) (a) Consistent with Subsection (6)(b), a majority of the council members constitute a quorum.

(b) The action of a majority of a quorum is the action of the council.

(6) (a) Except as provided in Subsection (6)(b), members are appointed to four-year terms of office.

(b) Notwithstanding Subsection (6)(a), the governor shall, at the time of the initial appointment, adjust the length of terms to ensure that the terms of council members are staggered so that approximately half of the council is appointed every two years.

(c) If a vacancy occurs in the membership for any reason, the replacement shall be appointed by the governor for the unexpired term in the same manner as the original appointment was made.

(7) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

- (a) Section 63A-3-106;
- (b) Section 63A-3-107; and
- (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

Renumbered and Amended by Chapter 28, 2013 General Session

53B-24-303. Duties of council.

The council shall:

(1) submit an application in accordance with federal law for a demonstration project to the Health Care Financing Administration before December 31, 1997, for the purpose of receiving and disbursing federal funds for direct and indirect graduate medical education expenses;

(2) seek private and public contributions for the program;

(3) study and recommend options for financing graduate medical education to the State Board of Regents and the Legislature;

(4) advise the State Board of Regents and the Legislature on the status and needs of health care professionals in training;

(5) determine the method for reimbursing institutions that sponsor health care

professionals in training;

(6) determine the number and type of positions for health care professionals in training for which program money may be used; and

(7) distribute program money for graduate medical education in a manner that:

(a) prepares postgraduate medical residents, as defined by the accreditation council on graduate medical education, for inpatient, outpatient, hospital, community, and geographically diverse settings;

(b) encourages the coordination of interdisciplinary clinical training among health care professionals in training;

(c) promotes stable funding for the clinical training of health care professionals in training; and

(d) only funds accredited clinical training programs.

Renumbered and Amended by Chapter 28, 2013 General Session

53B-24-304. Powers of council.

The council may:

(1) conduct surveys, with the assistance of the Division of Occupational and Professional Licensing within the Department of Commerce, to assess and meet changing market and education needs;

(2) notwithstanding the provisions of Subsection 35A-4-312(3), receive information obtained by the Division of Workforce Information and Payment Services under the provisions of Section 35A-4-312 for purposes consistent with the council's duties as identified under Section 53B-24-303, including identifying changes in the medical and health care workforce numbers, types, and geographic distribution;

(3) appoint advisory committees of broad representation on interdisciplinary clinical education, workforce mix planning and projections, funding mechanisms, and other topics as is necessary;

(4) use federal money for necessary administrative expenses to carry out its duties and powers as permitted by federal law;

(5) distribute program money in accordance with Subsection 53B-24-303(7); and

(6) as is necessary to carry out its duties under Section 53B-24-303:

(a) hire employees; and

(b) adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 28, 2013 General Session

53B-24-401. Title.

This part is known as the "Rural Residency Training Program."

Enacted by Chapter 28, 2013 General Session

53B-24-402. Rural residency training program.

(1) For purposes of this section:

(a) "Physician" means:

(i) a person licensed to practice medicine under Title 58, Chapter 67, Utah Medical Practice Act or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; and

(ii) a person licensed to practice dentistry under Title 58, Chapter 69, Dentist and Dental Hygienist Practice Act.

(b) "Rural residency training program" means an accredited clinical training program as defined in Section 53B-24-102 which places a physician into a rural county for a part or all of the physician's clinical training.

(2) (a) Subject to appropriations from the Legislature, the council shall establish a pilot program to place physicians into rural residency training programs.

(b) The pilot program shall begin July 1, 2005 and sunset July 1, 2015, in accordance with Section 63I-1-263.

Renumbered and Amended by Chapter 28, 2013 General Session
Amended by Chapter 167, 2013 General Session

53B-25-101. Title.

This chapter is known as the "Internet Postsecondary Institution Privacy Act."

Enacted by Chapter 94, 2013 General Session

53B-25-102. Definitions.

As used in this chapter:

(1) (a) "Personal Internet account" means an online account that is used by a student or prospective student exclusively for personal communications unrelated to any purpose of the postsecondary institution.

(b) "Personal Internet account" does not include an account created, maintained, used, or accessed by a student or prospective student for education related communications or for an educational purpose of the postsecondary institution.

(2) "Postsecondary institution" means an institution that provides educational services offered primarily to persons who have completed or terminated their secondary or high school education or who are beyond the age of compulsory school attendance.

Enacted by Chapter 94, 2013 General Session

53B-25-201. Prohibited activities.

A postsecondary institution may not do any of the following:

(1) request a student or prospective student to disclose a username and password, or a password that allows access to the student's or prospective student's personal Internet account; or

(2) expel, discipline, fail to admit, or otherwise penalize a student or prospective student for failure to disclose information specified in Subsection (1).

Enacted by Chapter 94, 2013 General Session

53B-25-202. Permitted activities.

(1) This chapter does not prohibit a postsecondary institution from requesting or requiring a student to disclose a username or password to gain access to or operate the following:

(a) an electronic communications device supplied by or paid for in whole or in part by the postsecondary institution; or

(b) an account or service provided by the postsecondary institution that is either obtained by virtue of the student's admission to the postsecondary institution or used by the student for educational purposes.

(2) This chapter does not prohibit or restrict a postsecondary institution from viewing, accessing, or using information about a student or prospective student that can be obtained without the information described in Subsection 53B-25-201(1) or that is available in the public domain.

Enacted by Chapter 94, 2013 General Session

53B-25-203. Duties not created.

(1) This chapter does not create a duty for a postsecondary institution to search or monitor the activity of a personal Internet account.

(2) A postsecondary institution is not liable under this chapter for failure to request or require that a student or prospective student grant access to, allow observation of, or disclose information that allows access to or observation of the student's or prospective student's personal Internet account.

Enacted by Chapter 94, 2013 General Session

53B-25-301. Private right of action.

(1) A person aggrieved by a violation of this chapter may bring a civil cause of action against a postsecondary institution in a court of competent jurisdiction.

(2) In an action brought under Subsection (1), if the court finds a violation of this chapter, the court shall award the aggrieved person not more than \$500.

Enacted by Chapter 94, 2013 General Session